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Probation and Parole Conditions and Violations

and other articles by:

ALBERT CONWAY • JOHN MELICHERCIK • CHARLES SHIREMAN • GILBERT GEIS AND FRED W. WOODSON • SIDNEY I. DWOSKIN

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NATIONAL PROBATION AND PAROLE ASSOCIATION

Journal

Volume 2 January 1956 Number 1

Basic Concepts of Conditions and Violations

EDWARD J. HENDRICK

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DISCUSSION of conditions of probation imposed by the court, or of parole by the parole authority, and of violations of probation and parole, should begin by drawing a distinction between those conditions and violations having a fundament in law and those founded merely on regulations.

We are all familiar with the distinction in our criminal statutes between acts which are wrong merely because they are forbidden and those which are wrong in themselves. In the same fashion some stipulated probation and parole conditions proscribe conduct which is wrong independently of the parole situation—e.g., violation of a state law—while others merely regulate behavior where the ordinary citizen may legitimately have a choice of two opposite modes of conduct, but the parolee is limited to one—e.g., abstinence from use of intoxicants. More popularly we call violations of such parole regulations technical violations.

Preservation of a clear distinction between these two areas is extremely important, though unfortunately it is habitually ignored by the lay public and too frequently forgotten by some parole agents and administrators. As a result unwarranted emphasis is sometimes placed on a parole violation.

Violation rates are of primary concern to conscientious probation and parole authorities. Attention is, of course, constantly directed to this area by the demands of the public, reflected principally in the press, that persons dangerous to the public safety not be lightly released from confinement. But over and beyond the desire to avoid public censure, the competent and diligent authority will scrutinize violators as the group most likely to

* At the time this paper was prepared, Mr. Hendrick was Chief Probation Officer, U. S. District Court, Philadelphia.

reveal weaknesses and defects in administration. However, a high or low violation rate is, in itself, no criterion of the quality of administration. What an agency does about its violators is the criterion. Frequently an exceptionally low rate may mean that violations are occurring but are not being observed, and conversely a relatively high rate may be the result of close, effective supervision.

Few Changes in Rules

Because conditions of probation and parole are the determining factors in judging violations, it follows that the agency should have well-defined concepts of these conditions. They provide the framework within which the agency will exercise its function of rehabilitation. Seventeen years ago the *Attorney General's Survey of Release Procedures* noted that "on the whole the problem as to the conditions which should be imposed upon probationers has been sadly neglected. It has aroused less controversy and comment than almost any other aspect of probation work, although obviously an important phase of probation procedure."[1] The remark —as pertinent today as it was in 1939—while specifically concerned with probation conditions, is equally applicable to parole, and because in this area the two procedures are almost identical, I am using either term as representing both.

The rules set out for probationers and parolees have remained essentially unchanged in tone and terminology from those fixed in the earliest days of the services. Has this immutability existed because the conditions have proved so sound, practical, and successful that there has been no reason to change? The experiences of many parole officers—the often repeated criticism that repressive, negative, and static conditions cannot accomplish constructive and positive growth in the offender—would seem to dictate a negative answer to that question.

There have indeed been undercurrents of dissatisfaction among field agents and administrators with the stereotyped list of "rules of life" imposed in monotonous fashion upon their charges. These rules range from attempts to break down such stipulated minutiae as the time when a parolee shall be in his house at night and how and when he shall pay his room and board, to the opposite extreme of no conditions at all. Yet the pendulum's swing seems always to settle back to a moderate set of general conditions: law-abiding behavior; regular contacts with the supervising agent; steady employment; abstinence from intoxicants and drugs, and from evil associations; procurement of permission to travel, to marry, etc.

Reasons For Rules

The necessity for conditions and regulations has been generally accepted. Probationers and parolees expect to be subject to supervision and control until final discharge, and accept a specific set of conditions as the medium of that control. This expectancy gives rise to the contractual analogy frequently applied to the parole and probation agreement. Attempts have been made by many agencies to draw up conditions so detailed that they cover every situation which a sort of composite parolee might be expected to face, the objective being to delineate so carefully the exact limits of the individual's activities that he could avoid by regulation all potential violations. However, the

[1] *Attorney General's Survey of Release Procedures*, U. S. Government Printing Office, 1939, Vol. II, page 257.

parolee often became enmeshed and strangled in the very bonds which were designed to preserve his equilibrium. The fallacy of this approach, of course, is that it disregards the theory of individualization of justice, which is one of the underlying tenets of probation and parole. Such an approach prefabricates, as it were, a model citizen and places upon the parolee and probationer the responsibility of transforming himself into the image and likeness of that model.

Today a sounder and more realistic approach is taken by progressive agencies. Stipulated conditions are viewed as obligations, imposed not only upon the probationer and parolee but on the supervising agent and the entire agency. Within certain limits the agent manipulates the leashes that bind the parolee in such fashion that excessive restraints may be removed when they are no longer necessary; restraints are shifted in accordance with changing needs and conditions, so that the leashes continue as stabilizers and do not become snares.

Interpreting Technical Violations

In the beginning I pointed out that a distinction must be drawn between technical violations and those resulting from commission of a new crime. Ordinarily commission of a new crime automatically removes the offender from the discretionary judgment of a supervising agent. Only when the new offense is of relatively small significance —for example, violation of an ordinance—can the parole officer refrain from classifying his charge as a violator. In such cases determination of final disposition must be left to the parole board or the court.

However, the vast majority of violations occur in the technical area and it is here that the progressive and well-indoctrinated worker and his supervisors can be resourceful in adjusting rather than prosecuting. The agent who looks upon the regulatory conditions of probation and parole as articles which are to be strictly and unswervingly adhered to will merely be carrying out an extension of the police function. Moreover, compelling literal and constant observance of all the conditions of the average probation and parole period would be, I dare say, beyond the capacities of most probation and parole agents. I like the way Percy Lowery, chairman of the Ohio Pardon and Parole Commission, has expressed this idea: "Life is a serial of getting off the beam and on the beam, and we hope that people are on the beam more than off, just as we hope that they are well more than they are sick. But we have to accept sickness and we have to accept getting off the beam in parole work."[2]

Discretion may be exercised in technical violations of probation and parole broadly at the top of the administrative echelon, and more narrowly at the bottom where the field officer functions. Permitting the parole officer, particularly if he is young and inexperienced, a wide and uncontrolled use of discretion in overlooking technical violations could well be a dangerous practice. All violations should be noted and, except for occasional lapses in manifestly trivial matters, should be discussed by the parole officer with his supervisor. Such a practice will prevent growth of a lax attitude toward technical aberrations, will insure preservation of a consistent agency policy, and will develop in the field agent a fuller understanding of his part in the whole agency structure. Even minor infractions of regulations should be

[2] *Focus*, National Probation and Parole Association, May, 1951.

considered as alert signals. Failure to report on an assigned day may be satisfactorily explained, but the omission should receive serious attention until the explanation is received. The suggestion that action should be taken on technical violations only after cautious, deliberate, and perhaps extended consideration of all factors does not imply that reception and investigation of such lapses should be casual. The parolee's every act of commission or omission should be considered by the officer as an important piece of the jigsaw cutouts, which, assembled, give a full picture of the man in his setting. Hold fast to the pieces as you get them but don't give the picture a title until you have enough pieces assembled to warrant a valid judgment.

When determining whether technical violation proceedings should be initiated, we must consider many factors. Foremost will always be the question whether the violations indicate that the man under supervision has become a menace to the community. Two parolees may rather consistently violate a regulation against the use of intoxicants. The behavior pattern of one may indicate that when drinking he misses an occasional day at work and deprives his family of some badly needed financial support. The other's history may show that when he drinks he feels compelled to steal an automobile and drive through the city at a dangerous speed. The agency's obligation to the public demands action in the second instance.

When once it has been established that continuance on probation or parole in spite of violation will not endanger the community, the supervising agency has an obligation to determine that revocation of freedom will open up more effective avenues of treatment. The judges of our courts and the members of parole boards are continually exhorted to bear in mind that while the granting of probation and parole saves the defendant from prison or delivers him early from his committed term, avoidance of penal commitment is not the objective of these procedures. Rather they are designed to accomplish with the person, while he resides in the community, certain improvements in his mode of conduct, and to accomplish them in better fashion than in an institutional setting. A similar philosophy, it seems to me, should guide judges and parole board members when revocation is under consideration, and because the final action taken by courts and parole boards on violations depends in large part upon the information, attitudes, and recommendations supplied by the field agency, I believe the spirit of that philosophy should permeate the entire probation and parole structure. Revocation should not be used as a handy means of unloading difficult cases, nor should it be used merely to punish a technical violator for failure to adhere to regulations. There should be as much constructive purpose in committing or in returning a violator to prison as there was in placing him on probation or parole in the first instance.

In a given case, commitment to prison or jail with what may superficially appear to be purely punitive purposes may in fact provide beneficial shock therapy, much in the fashion that a judicious application of the rod benefits some children. In another case, return to prison may simply augment the bitter, antisocial attitudes the offender already has toward the parole agency. He may then be ultimately released to society in a more dangerous frame of mind than before. Great in-

deed is the perspicacity needed to appraise long-range values, and no magic formula or slide rule will give infallible answers. Experience, a deep understanding of human motivation, and the ability to judge without passion are needed. There are many occasions when a probationer's or parolee's defiance of the rules may be ignored without danger to the community, without loss of prestige to the agency, and with constructive results in the long run to the recalcitrant offender. Parolees and probationers sometimes get temper tantrums and express their feelings in terms of rebellion against regulations. The use of commitment in such instances may relieve the agency's tension, but so far as the offender is concerned will be as valueless as whipping a hysterical child to quiet him.

It is heartening to note that many of our progressive courts and parole boards are motivated by this approach toward the technical violator. This is no soft, spineless method rooted in a desire to coddle the criminal. When properly applied it is a realistic handling of procedures which have been established to build, not to crush, human nature. I recognize that we are still some distance away from the time when individual treatment of the offender will have general acceptance by the public. Screaming headlines which call attention to a new crime by a parolee postpone that time. (I am not taking issue with justified criticism—there are still too many jurisdictions where probation and parole are politically controlled and dangerously administered.) Many heinous crimes are committed by first offenders and persons who have not been under probation and parole, and there is no logical reason for the uproar when it becomes clear that the law of averages operates also in the field of probation and parole.

Conditions Are Means, Not Ends

As I said earlier, the conscientious parole board and the interested judge will scrutinize carefully the rate of violation in their jurisdictions in order to strengthen weak spots in administration. But violations, like crimes, will never be completely eradicated. Compilation of a set of probation and parole conditions, whether they be elaborate or simple, will not provide the final answer. Conditions are a means to an end, not an end in themselves. We are on the path to greater success in our treatment of probationers and parolees when we are able to interpret to them the specific restrictions imposed on them, not as blueprints of the perfect man, but rather as guides to growth in responsibility from day to day. We must creep with those who have not as yet learned to get off their hands and knees, we must walk slowly with those whose muscles have been cramped by the limited exercise areas of a prison, and we must run with those who have cast off the shackles of the past.

This philosophy is neither maudlin nor ineffectual when attempted with the strength and understanding of the One who, cognizant of the vagaries of all men, advised, "Be ye therefore merciful, as your Father also is merciful."

A Summary of Parole Rules

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ONE of the origins of parole is the eighteenth century "ticket of leave," which played an important part in the British administration of Australia as a penal settlement for transported criminals. The "ticket of leave" was a declaration by the governor of Australia which exempted a convict from further servitude and permitted him to seek private employment within a specified district.

The English Penal Servitude Act of 1853, which gave legal status to the "ticket of leave" system, substituted imprisonment for transportation and specified the length of time that prisoners had to serve before becoming eligible for conditional release on a "license to be at large." The license was granted with the following conditions:

"1. The power of revoking or altering the license of a convict will most certainly be exercised in the case of misconduct.

"2. If, therefore, he wishes to retain the privilege which by his good behavior under penal discipline he has obtained, he must prove by his subsequent conduct that he is really worthy of Her Majesty's clemency.

"3. To produce a forfeiture of the license, it is by *no* means necessary that the holder should be convicted of any new offense. If he associates with notoriously bad characters, leads an idle or dissolute life, or has no visible means of obtaining an honest livelihood, etc., it will be assumed that he is about to relapse into crime, and he will be at once apprehended and recommitted to prison under his original sentence."

One Hundred Years Ago

Prisoners released under the act were not supervised, and it did not take long before everyone realized that the only effects of the act were confusion and disorder. A system of regular supervision and uniform procedure was urged, with prescribed rules and regulations. This was developed in the 1850's in Ireland, where the "license to be at large" was granted to a convict "from the day of his liberation under this order" for the remaining time of his sentence, except that it could be "immediately forfeited by law" if he were to be "convicted of some indictable offense within the United Kingdom" before the expiration of his sentence, or if it should "please Her Majesty sooner to revoke or alter" the license. It was noted also that "This license is given subject to the conditions endorsed upon the same, upon the breach of any of which it will be liable to be revoked, whether such breach is followed by conviction or not."

The conditions referred to were the following:

"1. The holder shall preserve this license and produce it when called

* Appreciation for their help in gathering the data for this article is extended to St. Alban Kite, Manton E. Morris, Salvatore Russoniello, and John M. Slim.

upon to do so by a magistrate or police officer.

"2. He shall abstain from any violation of the law.

"3. He shall not habitually associate with notoriously bad characters, such as reported thieves and prostitutes.

"4. He shall not lead an idle and dissolute life, without means of obtaining an honest livelihood.

"5. If the license is forfeited or revoked in consequence of a conviction of any felony, he will be liable to undergo a term of penal servitude equal to that portion of his term which remained unexpired when his license was granted.

"6. Each convict coming to reside in Dublin City or in the County of Dublin will, within three days after his arrival, report himself at the Police Office, . . . where he will receive instructions as to his further reporting himself.

"7. Each convict residing in the provinces will report himself to the constabulary station of his locality within three days after his arrival and subsequently on the first of each month.

"8. A convict must not change his locality without notifying the change to the locality to which he is about to proceed.

"9. Any infringement of these rules by the convict will cause to be assumed that he is leading an idle, irregular life and thereby entail a revocation of his license."

Conditionally released prisoners were expected to inform their employers of their criminal record; if they failed to do so, the head of the police was responsible for transmitting the information.

That was one hundred years ago. Consider, for a moment, advances in the welfare of other groups which, like the parolee group, are made up of the scorned, the rejected, the handicapped—say, the mentally ill, or religious and racial minorities, or the economically backward. Compare changes in attitude toward these with any changes, if any, toward the parolee. Compare parole regulations of one hundred years ago with today's.

Fundamental Questions

By and large, parole rules have continued pretty much as they were a century ago. Does this mean that they are satisfactorily meeting their purpose and therefore should not be changed? Does it suggest that there may have been changes in emphasis and interpretation, less obvious but perhaps more important than the fact that the letter of parole rules has changed very little?

Some other questions arise from an examination of parole rules: How are parole rules used? As guides? As coercive devices? As casework treatment tools? Do parole rules help in the community adjustment of the parolee or do they plague him as continuous reminders of his "second-class citizen" status? Are they pitched so high that parole adjustment is unattainable in many cases? Can we establish parole rules which give evidence of awareness of the communities' pressures on the released offender—rules and conditions tailored, as close as possible, to the needs of the parolee and his community?

If it is conceded that parole rules and conditions do not have to be immutable, how can they be modified or amended in specific cases? Should individual modifications be made by the parole officer, or by the supervisor, or by the central office, or by the parole board?

COMPARISON OF PAROLE REGULAT

	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi
1. Liquor usage	2	2	2	2	2	2	2	4	2	4	2	2	2	2	2	2	2	2	3	4	2	2
2. Association or correspondence with "undesirables"	2	2	2	2	1	2	2	2	2	2	2	2		2	2	2	2	2	2	1	1	2
3. Change of employment or residence			1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
4. Filing report blanks		3	3	3		3		3	3	3	3	3	3	3	3	3	3		3	3	3	3
5. Out-of-state travel	1		1		1		1		1	1	1	1	2		1	1	1	1	1	1	1	1
6. Contracting a new marriage	1		1	1	1	1		1		1	1	1	1	1	1		1	1	1	1	1	
7. First arrival report	3		3	3	3	3		3	3	3	3	3	3		3	3	3	3		3	3	3
8. Operation and ownership of motor vehicles			1	1	1	1		1		1	1	1	1		1		1	1	1	1	1	
9. Narcotic usage	2		2	2	2		2	2	2	2	2			2	2	2	2		2	2		2
10. Support dependents	3			3				3	3	3					3	3	3	3	3	3		3
11. Possession, sale, or use of weapons; obtaining hunting license			2	2	1	2		1	2	2	2	2	2	1	1		1	1	1			
12. Travel out of county or community			1	1	1			1	1	1	1	1	1							1	1	
13. Agree to waive extradition	3				3			3	3	3					3		3				3	
14. Indebtedness				1						1										1	1	
15. Curfew					6						10:30						11:00			6		
16. Civil rights	1			2	2						2						2					
17. "Street time" credit if returned as P.V.																	5	5				
18. Gambling		2						2					2									
19. No "street time" credit if convicted of felony					5																	
20. Airplane license				1													1					
21. Report if arrested					3												3					
22. Treatment for venereal disease								3														
23. Church attendance														3								
24. Enlistment in armed forces																						

KEY—1. Allowed, but permission must first be obtained. 2. Prohibited. 3. Compulsory. 4. Allow

REGULATIONS BY STATES

Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
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4. Allowed but not to excess. 5. May be received. 6. "Reasonable hour."

You may have read, in *Confidential* magazine for January, 1955, an article entitled "Parole—Freedom on a String." The subheading was, "What good is a system that censors your job, bars you from women, and puts you back under arrest without cause? Parole can be an engine of torture that succeeds in redoubling hatred of law, cops, and penal 'experts'." A large part of the public still accepts that kind of statement as gospel truth, and we continually see its imprint when we interview prospective parolees, especially those who have had no prior experience with parole. Doesn't this suggest the need for an analysis of our public relations programs so that we may erase or at least begin to minimize these erroneous impressions?

Frequency of Parole Rules

The chart on pages 8 and 9 summarizes the policy of each of the 48 states in regard to parolee behavior. The 24 regulations listed include all that refer explicitly to restrictions on behavior. (However, two of them—17 and 19—really indicate parole board action in the event that the parolee violates his parole.)

The number of regulations indicated for a state on the chart does not necessarily coincide with the actual number in the state's official document handed to the parolee upon release from prison. In some states the references to both liquor and narcotics usage, for example, are combined as a single regulation; and in many states the document may include statements that interpret parole board administrative policy as distinct from those that describe what is and what is not allowed in parolee behavior.

It must be borne in mind, too, that a blank in the chart means only that the regulation is not printed in the state's set of rules; it does not mean that the conduct referred to is ignored in practice. This gap is comprehensively covered in many states by the parolee's signifying his agreement to "abide by such special conditions of parole as may be imposed" on him by his parole officer.

In a few states the number of stipulations about parolee behavior and parole board administrative policy exceeds 20. How many of these the parolee can reasonably be expected to remember is a question. Because of this, one of these states includes a regulation requiring the parolee to read the regulations periodically during the entire parole period!

Not a single one of the 24 parole regulations appears in every one of the 48 state documents.

The regulations are listed below, as in the chart, in the order of frequency.

1. *Use of liquor.*—Completely prohibited in 41 states; permitted, but not to excess, in 4 states—Florida, Idaho, Michigan, and New Jersey. No restrictions in Missouri, Virginia, and West Virginia.

2. *Association or correspondence with persons of poor reputation.*—"Persons of poor reputation" are specified generally as other parolees, ex-convicts, inmates of any penal institution, persons having a criminal or police record, etc. New Hampshire policy draws a fine line between association with such persons and correspondence with them, prohibiting the former but allowing the latter when permission has first been granted by the parole officer. In 38 states, both forms of conduct are prohibited; in 3 other states—Colorado, Michigan, and Minnesota—both are allowed after permission is granted. In 6 states—Iowa,

Montana, New Mexico, Virginia, West Virginia, and Wyoming—the regulations ignore the matter entirely.

3. *Change of employment or residence.*—In 39 states, permission to make such a change must first be obtained through the parole officer. It need not be obtained in 9 states—Alabama, Arizona, California, Montana, New Mexico, Oklahoma, Vermont, West Virginia, and Wyoming.

4. *Monthly reports.*—In 38 states the parolee must fill out a monthly report blank and send it to a central agency. He is not required to do so in 10 states—Alabama, Colorado, Delaware, Maryland, New Jersey, New York, North Carolina, Rhode Island, Utah, and West Virginia.

5. *Out-of-state travel.*—Allowed, after permission is granted, in 34 states; prohibited by Iowa and Montana. No restrictions in 12 states.

6. *Permission to marry.*—In 33 states a parolee desiring to marry must first obtain the consent of the parole officer. No such requirement is specified in 15 states.

7. *First arrival report.*—In 33 states the parolee is required to report to his parole officer immediately upon arriving at his destination after release from prison; in 15 states he is not required to do so.

8. *Operation and ownership of motor vehicles.*—Denied, in 30 states, unless approval of parole representative is obtained; no restriction in 18 states.

9. *Use of narcotics.*—Prohibited in 28 states; permitted in 1 state—Tennessee—when approved by a physician. No restriction mentioned in 19 states.

10. *Support dependents.*—In 27 states the parolee must promise to support his family. No regulation of this sort is specified in the printed rules in 21 states.

11. *Possession, sale, or use of weapons; obtaining a hunting license.*—Prohibited in 12 states; allowed, after permission is granted by parole officer, in 15 states. No restriction in 21 states.

12. *Travel out of the county or community.*—Allowed in 25 states upon permission of parole officer; no restriction mentioned in 23 states.

13. *Agreement to waive extradition.*—This is a condition of parole in 19 states. No mention of it is made in 29 states.

14. *Indebtedness.*—In 11 states the parolee is allowed to incur a debt only if he has the permission of the parole officer. There is no such restriction in 37 states.

15. *Curfew.*—In 6 states the parolee is required to be at home for the night at a "reasonable hour." Curfew for parolees is specified as 10:30 in Illinois and 11:00 in Maine. There is no curfew regulation of any sort in 40 states.

16. *Civil rights.*—Civil rights, including suffrage and the right to hold office, are lost to the parolee in 6 states; in 1 state—Alabama—they may be restored upon application and approval of the request. In 41 states no explicit mention is made of the civil rights status of the parolee.

17. *"Street time" credit for parole violator.*—In 6 states the parolee who is returned to prison for violation of parole receives credit for all or part of the time he has been on parole. Such credit is not allowed or is not mentioned in the provisions of 42 states.

18. *Gambling.*—Prohibited to the parolee in 5 states; no restriction mentioned in 43 states.

19. *Conviction for felony while on parole.*—In 4 states the parolee is warned that if he is returned to prison because of a felony he commits while on parole, he will be deprived of all "street time" credit. No mention of this is made in the regulations of 44 states.

20. *Airplane license.*—In 3 states—California, Maine, and Pennsylvania—the parolee must obtain his parole officer's permission to apply for a license that would allow him to operate an airplane. Not mentioned in 45 states.

21. *Report if arrested.*—In 3 states—Colorado, Maine, and New Jersey—the parolee is required, if he is arrested, to report the arrest to his parole officer. Not mentioned in 45 states.

22. *Treatment for venereal disease.*—In 2 states—Florida and Pennsylvania—a parolee who has a venereal disease is compelled to take treatment for it as a condition of remaining on parole. Not mentioned in 46 states.

23. *Church attendance.*—In 2 states—Kansas and Nebraska—the parolee must attend church regularly as a condition of remaining on parole. Not mentioned in 46 states.

24. *Enlistment in armed forces.*—In 1 state—Ohio—the parolee is required by regulation to obtain permission of the parole officer before applying for enlistment in the armed forces. Not mentioned in the regulations of 47 states.

Some Conclusions

A. Excessive Number of Regulations in Some States

As suggested above, many of the documents listing "General Conditions of Parole" contain so large a number of regulations that the value of the parolee's signature on the parole agreement is questionable.

They are further weakened when they include, as many do, quasi-legal interpretations of parole board policy. The distinction between *law* and parole board *rule* should be clearly drawn in parole rule documents.

It hardly seems necessary to impose a regulation on conduct already governed by the criminal code. For example, if a state already has a law imposing penalties for the illegal sale or use of narcotics (and most states do have such a law), why make it, superfluously, a parole regulation?

B. General Impracticality of Regulations

Many of the regulations are not realistic and do not lend themselves to practical enforcement. The complete prohibition of the use of liquor by parolees in 41 states forces us into an unrealistic position that breeds violations and contempt for the value of parole supervision. It seems to me that a "Ten Commandments" form of agreement would provide the framework for more intelligent and functional supervision of parolees.

C. Lack of Uniformity

The lack of uniformity is, of course, the most obvious defect of parole regulations. Consider, for example, the regulation which requires the prospective parolee to agree to waive his right to an extradition hearing in the event of his arrest in another state. There is real question about the legality of this regulation. Furthermore, if the regulation were used either universally or not at all, there would not be the confusion and expense that are now the result of the use of Form A-3, "Agreement of Prisoner When Permitted to

Go to Another State," issued by the Interstate Commission on Crime in the 29 states where the extradition waiver is not included in the list of parole rules.

Some uniformity of regulations should exist among *all* states, if for no other reason than that the number of parolees living in states other than the one in which they were sentenced is increasing all the time.

Parole regulations in the 48 states should be carefully re-examined—not separately in each state, but in a coordinated fashion. Lack of uniformity, impracticality, and multiplicity of regulations are not the only defects. Others are redundancy, complexity, legal jargon, inconsistency, and irrelevancy. All of them should be eliminated in the interest of better parole.

One day . . . there happened to be at table one of the English lawyers, who took occasion to run out in a high commendation of the severe execution of justice upon thieves, who, as he said, were then hanged so fast that there were sometimes twenty on one gibbet; and upon that he said he could not wonder enough how it came to pass that since so few escaped, there were yet so many thieves left who were still robbing in all places. Upon this I . . . said there was no reason to wonder at the matter, since this way of punishing thieves was neither just in itself nor good for the public; for as the severity was too great, so the remedy was not effective; simple theft not being so great a crime that it ought to cost a man his life, no punishment howsoever severe being able to restrain those from robbing who can find out no other way of livelihood. "In this," said I, "not only you in England, but a great part of the world, imitate some ill masters that are readier to chastise their scholars than to teach them. There are dreadful punishments enacted against thieves, but it were much better to make such good provisions by which every man might be put in a method how to live, and so be preserved from the fatal necessity of stealing and of dying for it."

—SIR THOMAS MORE
Utopia

The Casework Approach to Rules

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IT is no secret that the violation rate in any jurisdiction, which tells us the percentage of probationers or parolees who are sent or returned to prison for an unexcused infraction of one or more of the rules they had agreed to obey, is not a reliable index to the quality of the supervision service.

How can one determine the significance of a violation rate when the figure is not accompanied by an explanation of the rules and the way they are handled in actual practice? Without that explanation how can one determine whether a high figure indicates that (1) supervision is intense and close and that officers are, above all, conscientious; or (2) supervision is rigid and arbitrary; or (3) supervision is applied mechanically, allowing no room for individual differences; or (4) the rules themselves are impractical and unrealistic; or (5) the rules are not interpreted clearly to those who must live by them? Similarly, a low violation rate, in itself, may reflect (1) intense, close, and conscientious supervision; or (2) loose, lax supervision by poorly trained officers operating in a poorly administered system; or (3) awareness of individual differences, creatively applied; or (4) practical, realistic rules; or (5) clarity of interpretation of the rules to those who must live by them.

Most debates about violations are liable to be endless and fruitless because they begin and end with the question of "How many?" They fail to consider that violations are based on rules and that consequently there must first be a clear understanding of what a rule *is*. Thus, two questions arise:

1. What is the importance of rules in the everyday life of the general population, and what is their special value for the probationer or the parolee?

2. What guides or principles must be utilized in establishing rules and conditions in probation or parole, in imposing them upon the persons under supervision, and in handling the violations they may commit?

The administrator, the supervisor, and the practitioner must accept the part rules play if they are to believe in having special conditions that apply to the probationer or parolee. The principles involved in establishing, imposing, and interpreting special conditions come from the field of social casework. They are used by the administrator when he advises a judge or paroling authority about the wisdom of a contemplated condition; they are used by the supervisor as a teaching guide for the practitioner; they are used in the day-to-day work of the practitioner interested in developing his skills and in doing the most effective work of which he is capable.

General Meaning of Rules

Rules governing behavior have always existed. Some are written down so that they can conveniently be analyzed and studied if necessary; others, unwritten, grow from the customs of the community and are learned through direct, first-hand experience. Some rules

are imposed by a society as a whole—for example, standards of appropriate dress and minimum rules of etiquette in serving and eating food; other rules are imposed by a small part of society—for example, a parent, or a bank from which we have secured a loan, or a neighborhood gang to which a youth belongs.

Without rules we lack guides for behavior, and insecurity develops as we wonder what others think of our behavior and ponder whether what we are doing is right. The child who is sent out to play but who is not told what are the limits of his play area soon finds he's in trouble for having wandered too far. Likewise, the child or adult who is on probation or parole but is not given any rules has no guide for preferred behavior.

Rules governing our behavior make us secure. By following them we avoid trouble. This applies to the probation or parole officer as well as to his client. If both report on time—the officer to his work each day, the client to the probation or parole officer as scheduled—life goes along more easily.

Men and women who have served long periods of time in correctional institutions, and have led a regimented life there, are all too often bewildered when, upon release, they are thrust into the turmoil of everyday living. Their experiences illustrate their need of rules and the ways staff can use the rules for the client's benefit.

The prison in which Pat served twelve years provided him with a greater feeling of safety and security than he had ever known before. He had been born out of wedlock, had been raised in numerous foster homes, had no work skills, and was physically handicapped. Now eligible for parole, he had no home, few acquaintances on the outside who could help him, and considerable difficulty in securing employment because of his handicap—but he also had an overwhelming desire to stay out of prison. Finally a job was secured and a room found, and he was released on parole.

He needed the rules of parole for security—they told him how he was doing. The meaning of those rules to him was vividly brought out when he came to the parole office to ask whether he could go to a wrestling match. He knew that beer was sold at the civic auditorium where the match would be held, and there was a rule about staying out of bars and "other places" where liquor was sold. He was encouraged to go to the wrestling match; more importantly, his question provided the opportunity to bring out in the open his tremendous need for and reliance on the written rule. The question, indicating his doubts as to whether his interpretation of that rule would be the same as the agency's, also pointed out to the parole officer the need to help him gain self-confidence.

Rules exist and our clients expect them. However, many of the children and adults who come under our supervision have already had trouble accepting and abiding by rules imposed by other parts of society. While they expect rules to be imposed by the court or paroling authority, they often do not like being told "what to do." Interpreting the fact that rules exist, particularly outside probation and parole, may help them to accept the rules more easily. To do this, one probation officer I know about places a dot on a sheet of paper to represent himself, the probationer, or any individual, and then draws a large circle around that dot. The circle, he explains, represents the limits that are set on everyone's behavior, such as the requirement that bills be paid on time. Inside that large circle he draws a smaller circle, which represents the limitations placed on the probationer by the court and probation office because the probationer is in a special category by virtue of his

court appearance. He explains further that this smaller circle represents temporary limitations which exist only while the individual is on probation and which will someday be withdrawn.

Of equal importance is the meaning of the rules to the probation and parole staff. It has sometimes been said that even if there were only one rule set down for a probationer or parolee, there would be as many versions of that rule as there are officers on the staff. A basic need exists in many staffs for a discussion of the general rules used, the reasons for their existence, and their meanings to the various officers—all aimed at developing the staff's common understanding of the rules.

Supervisors and administrators have a special responsibility to know what the rules mean to the staff and to see to it that the rules are not used only as measuring rods for *misbehavior*. If they do not carry out this responsibility, this is what may happen: A juvenile court probation officer uses a curfew rule as a yardstick for measuring the children under his supervision. He phones a parent at night to inquire whether the child is at home. If the child is unable to come to the phone, although the parent says he is there, the officer requests the police to go to the home to verify the parent's statement.

Rules and Casework Principles

Achieving a balance between treatment and surveillance has been a topic of recent discussion in the probation and parole field. The rules or conditions of probation and parole, combined with the principles of social casework, are among the weights used in achieving that balance. The rules by themselves may be thought to be on the surveillance side of the scale, but when combined with casework principles they are also a part of treatment.[1]

1. One of the principles basic to sound casework practice is *individualization*. If there is to be individualization in probation and parole, rules must be designed to fit the individual. This is particularly significant because rules demand that the man who has broken a law must live by a more exacting code than the one in force for the rest of society. The rule must represent a goal that can be realistically attained by the individual and that can reasonably meet society's expectation of desirable behavior.

Too many rules are standardized. One parole system used to have a requirement that applied to everyone under supervision: it specified that each parolee must keep a written record of the manner in which he spent his money. A parolee could be returned to prison for technical violation of the rules if he "falsified his account book." The rule was meaningless, however, to the mentally retarded person on parole or the parolee whose ability to read or write was limited. One parolee was tailored, by nature, to fit that rule; he was so compulsive in keeping his accounts that at the end of a year he had computed to two decimal points the amount he had spent as an average for each of his three daily meals.

We can individualize rules by revising the wording of a basic condition.

One condition generally imposed in the department related to employment. As

[1] Ervis W. Lester, "Parole Treatment and Surveillance—Which Should Dominate?" *Crime Prevention through Treatment*, 1952 Yearbook, National Probation and Parole Association, p. 27; and Charles S. Prigmore, "Surveillance or Treatment—the Supervisor's Decision," *Focus*, January, 1955, p. 8. See also the article by Edgar Silverman, p. 22 below.

interpreted by the officers, the condition meant that a probationer must secure permission before changing jobs. One youth could find jobs but could not keep them; usually he was fired after two weeks or so for repeated lateness. In spite of this, he was adept enough at securing jobs to be self-supporting. However, his probation officer constantly reprimanded him because he never secured permission before changing jobs. But the rule as it stood did not mean much to the probationer. About the time the probation officer had made up his mind to submit a violation report based on repeated infraction of the rule, the youth found a job in another area and came under the supervision of another officer. The second officer quickly noted the pattern and it was decided to make a change in the rule. The probationer was informed that because of his work habits he invariably lost jobs and that henceforth he would not be expected to ask the officer for permission to change jobs. However, he would be expected to keep working and to inform the officer immediately every time he changed jobs.

The rule now had more meaning; after all, when a man has been fired, it is foolish to demand that he request "permission to change jobs." Failure to report a change of employment is something else. The new rule may or may not have played a part in developing new work habits in the young man referred to above, but it was noted that he changed jobs less frequently in the next year than he had in the previous four months.

2. Rules must not only be individualized; they must also have a *focus* or *objective*. A rule that a youngster must attend school is irrelevant and confusing if he is above the compulsory school age or if his parents are instrumental in keeping him out of school. Rules have their greatest potential when they are designed to provide limits which will be accepted and assimilated by the individual. Thus a rule for an adult about keeping employed should help him to develop good work habits which will continue beyond the period of probation or parole supervision.

The matter of individualization and objectives of rules particularly involves administrators. Rules and conditions are set down usually by judges and paroling authorities, who must be alerted by the administrator to the value or danger involved in establishing any particular rule.

3. The principle that we do something *with* individuals, not *for* and not *to* them, means that the client and the officer must participate in a discussion of what the rules mean. This dual participation implies that we do not just tell a probationer or a parolee what the conditions are, but rather that we first find out what those conditions mean to him. This involves the principle of *starting where the individual is, at his level of understanding.*

All this takes more time than if we just handed the individual the printed sheet of rules, but it saves time later and prevents misunderstandings. The public, in general, does not clearly understand our function, and there is no question that the average probationer or parolee looks at us askance. Discussion of the rules is our first and perhaps best opportunity to explain to him just what our job is.

Starting at his level of understanding involves asking him what the rules mean, not just asking him whether he has any questions about them. It involves his testing us to find out the limits to which he can stretch the rules. Just as children test each new teacher they encounter—to find out how far they can go—so do parolees and probationers test each new officer they

meet. They ask what time they are to be in at night, how long it will be before they can get permission to drive, what chance they have of being excused from school and getting a permit to go to work, etc. The questions we must expect from them supply one more reason why all staff members must have a common understanding of the rules.

Starting with the individual at his level of understanding involves the use of a common language. The language in which the conditions and rules are written and the language that we speak are not always the language of the client. Not only are there technical languages in our modern society—the language of the lawyer, the psychiatrist, the engineer, the social worker, the farmer, the butcher, the shoemaker —but there are also cultural languages, as witness that used by today's teenager. The probation and parole worker must of necessity understand more than one language. He must understand the technical language of his profession[2] as well as the terminology of the related disciplines with which he works. He must also have some understanding of the technical and cultural languages used by his clients and their families. When he puts this knowledge to work, his clients are more apt to understand the rules.

The time spent at the outset in going over the rules is well invested, for a preliminary session devoted to this often furnishes leads to the type of attitude and behavior that may be anticipated from the client. When he tells what the rules mean to him, he is giving us the opportunity to clear up misunderstandings—an opportunity that will be wasted if the language we use in speaking to him is inappropriate. We must be especially careful to avoid language that is (1) destructive or (2) obscure.

On the first of these two points:

> From a general semantics point of view, the less labeling in the usual sense the better. Not calling a person psychoneurotic, not classifying him as psychopathic, not labeling him as an introvert, gives that person less to live down. The point is that such labels, *as commonly interpreted*, discourage a case and unnerve him more than they enlighten and relieve him. . . . To tell a worried, depressed individual that he is a psychopathic personality, or that his score on a personality test indicates a high degree of neuroticism, is scarcely different (to him) from telling him, in a less professional vernacular, that he is not acceptable. Any schoolboy knows that. Some day no doubt psychologists and psychiatrists will understand it, too. Some of them understand it now. . . . .
>
> After all, we learned once that it was not mere quibbling over words to contend that a person should not be called a witch. We are learning the same lesson as we come to appreciate more and more clearly that calling a man a Negro is different from calling him a nigger. We are gradually becoming less naive about our language. It is easier than it used to be for most of us to realize that words often help to create what they name. You can see how this works if you persist long enough in calling a child awkward, or stupid, or nervous. It should not be impossible for clinicians to learn that labeling a case with a derogatory, discouraging, fearful, socially handicapping name is one way, sometimes an appallingly effective way, to deepen and prolong his maladjustment.

This is not to say that a person should not be told the truth about himself, so far as anyone knows the truth; but nothing

[2] Even within our own field, we sometimes misunderstand one another because basic terms have different meanings to different people—for example, *unofficial* cases, *detention*, *group therapy*, etc. Occasionally, too, misuse of a fundamental term has official sanction. In one state in this country the man whose official title is *probation officer* supervises parolees; he has nothing whatever to do with probation.

is gained by dressing the truth up like a scarecrow. The truth can be overstated. One way to overstate it is to express it by means of diagnostic labels that counteract their possibly enlightening effects by paralyzing the individual with dread and shame and unjustified convictions of inferiority and defectiveness. . . .

Personal maladjustment should be diagnosed *descriptively*, in terms of behavior and the conditions that give rise to it or that limit it. The question is not "What type *is* the person?" or "What traits does he *have*?" or "What is *the* name of his maladjustment?" The important question is, "What does he do, in response to what, where, when, with what effects?" And in answering this question the emphasis is to be put on those features of the behavior, and of its conditions, that are alterable. The individual's problem is to be solved by bringing about changes in his behavior, or in the conditions under which it occurs.[3]

Secondly, the officer has to be careful to modify his language so that it will be clearly understood by the person under his supervision:

> Few educated people engaged in this work have ever thought that what they are saying may mean absolutely nothing to their much enduring victims. . . . To a lad of exceptionally low intelligence who had lost his job and in consequence gone thieving again, a man of wide experience high up in the prison service, who ought to have known better, said, "Is this going to be your reaction to misfortune every time you meet it?" . . . To a defaulter, "on the carpet" for some offense, "It is stability of character you need, my lad." . . . Such language only accentuates the impression in the minds of the lads that the men in power over them are up aloft, whilst they are on the ground floor, or indeed in the basement, down below.[4]

[3] Wendell Johnson, *People in Quandaries*, New York, Harper, 1946, pp. 406, 407, 408.

[4] D. B. Kittermaster, *Borstal, A Critical Survey*, London, Howard League for Penal Reform, 1951.

4. The handling of the conditions, particularly in the initial interview in which they are imposed, has a direct bearing upon the relationship between the individual and the officer. A basic tool of the probation or parole officer is an *effective relationship with his client.* Often the individual's feelings are a barrier that must be surmounted if an effective relationship is to be developed. If he is distrustful of the officer, a direct attack through telling him that distrust will not be tolerated only reinforces his distrust. (Or, equally destructive, it may force him to camouflage his feelings. An outward show of conformity to the rules does not mean that he is really learning how to get along.) The officer can remove the resistance by making it clear that it does not surprise or shock him. He can remove the client's doubts and reservations by showing that he recognizes and accepts them. This again is a part of starting where the individual is, at *his* level of understanding.

We represent society to the probationer or parolee. If the rules are imposed dictatorially, with no explanation or interpretation, he identifies society (and us) as an inflexible taskmaster. If they are imposed with the tacit implication that they don't mean much, that only reinforces the resistance he may have to any kind of rule. Our objective should be to identify ourselves and society as a reality which he must meet and with which he must live.

5. A basic assumption in probation and parole is that the individual has a *capacity for growth and change.* It was on that assumption, as well as the belief that he could make a satisfactory adjustment to society, that he was granted probation or parole. As a child grows and develops, a parent must

change the conditions that he imposes on him; whereas once a child was allowed to play only in his own yard, as a school-age child he is allowed outside his yard and across the street. The officer has a similar responsibility to change the restrictions on the individual as increased capacity in self-discipline and ability to handle responsibility are demonstrated. Conditions or rules cannot remain static; they must be changed according to the client's progress (or lack of progress). Suppose, for example, he is seen once a week when first placed on probation or parole. Periodically during the course of supervision, the question should be raised, "Should that schedule of visits be continued throughout supervision, even if it lasts two, three, or more years?" The answer is yes if the individual needs it. But the answer is no if he has demonstrated that he no longer needs such close supervision.

6. In probation and parole, just as in other areas of social casework, our work with the individual includes *working with his family*. If the rules are not discussed with the family, they are liable to be misconstrued and misused. At one extreme the family may view the rules with suspicion and will therefore offer no cooperation to the individual in helping him abide by them. At the other extreme the family may use the rules as a club held over his head, threatening to notify the authorities if he does anything at all to incur the family's displeasure.

Discussion of the rules is especially important for parents of a child on probation or parole. They are more apt to feel accountable for his behavior than are the parents of an adult probationer or parolee. The officer should meet with the family immediately after the court hearing, if possible, to help them understand clearly what has happened and how their new responsibilities and obligations may best be carried out.

Violations

The professional practitioner seeks to *prevent* violations. But violations will occur, and when they do the officer should not regard them with an air of resignation, as though they spelled the death of his efforts. Any violation should be used as an experience from which knowledge may be gained that can prevent another violation. He should seek to learn the reasons for the violation from the violator's point of view and to review his awareness of what happened. One of the most interesting parts of an interview with a violator can be his assay of what he did and what the officer did. At this point the quality of whatever relationship exists between the individual and the officer may be defined. The term "whatever" is used because unfortunately the relationship is not always as professional as it should be.

It is not uncommon for the violator to project the blame for his troubles onto the officer, and he may bring this out openly when he sees the officer. As a professional person, the officer must look behind this tirade for the causes, remembering that it is directed not at him personally but at him as a representative of the law. If he reacts to it as a personal affront, the professional relationship is undermined. Likewise, if the officer tells the violator that he has let the officer down and has destroyed the officer's faith in him, a friend-to-friend relationship is being substituted for a professional relationship.

Sometimes it takes a violation for an individual to see the officer as a professional person.

A probation officer had noticed that one of his probationers was possibly headed

for trouble because of his carefree attitude. Talking with the boy one day he pointed out some of the things he had noticed and emphasized the boy's responsibility for his own behavior. One week later the boy was taken into custody for car theft. The officer went to see him to get his story of what had happened. As he was about to leave, the boy suddenly blurted out, "You know, this isn't what I expected you to do." When asked what he had expected, the boy replied he thought he was going to be "chewed out" and get a lot of "I told you so" in view of their talk a week ago. He went on to say he was just beginning to realize now what the officer had meant in that previous talk and what the officer's job was—to help where possible.

Unfortunately, this boy had to learn "the hard way." Others may have less trouble as casework principles are applied more generally in the establishment and interpretation of conditions and rules of probation and parole.

Justice is the insurance which we have on our lives and property; to which may be added, and obedience is the premium we pay for it.

—WILLIAM PENN

Think on this doctrine: that reasoning beings were created for one another's sake; that to be patient is a branch of justice; and that men sin without intending it.

—MARCUS AURELIUS
Meditations

The great act of faith is when a man decides he is not God.

—JUSTICE OLIVER WENDELL HOLMES

Surveillance, Treatment, and Casework Supervision

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FINDING a balance between surveillance and treatment has always been a problem in administering an effective probation service. Many workers in this field have felt that these two concepts are incompatible as approaches to the problem of dealing with the offender and his antisocial conduct. This paper will present an opposite point of view. Its contention is that surveillance and treatment (1) are *not* antithetical, and (2) should be not merely balanced, but integrated.

Modern probation has grown out of the community's desire to provide for the offender an opportunity to develop responsibility for his own behavior without direction or pressure—in short, without surveillance. Therefore, the offender who eventually learns to live in society without surveillance has had a successful probation experience. The misapplication of this idea is that surveillance, during treatment, is equally wrong and is merely a holdover from the restrictive and coercive philosophy of punishment upon which society has always relied for the control and management of crime.

Punishment and Its Results

The difficulty is not in understanding why the proponents of treatment reject punishment in any form. Incomplete as our present knowledge may be, we do know that antisocial behavior is invariably the way in which the individual seeks to meet his personal needs. To recognize delinquency as a function of the individual personality struggling to assert, protect, and defend itself is to realize the utter futility of punishment, repression, and coercion as a method of dealing with such problems. Fear that derives from punishment produces only temporary conformity. Thus, as long as surveillance is connected to force, restriction, and control of the offender, it is bound to be unsatisfactory to the proponents of treatment who seek to meet the offender's needs through encouragement and development of his sense of responsibility for himself.

On the other hand, it is not difficult to comprehend society's distrust of anything less than retaliatory justice. However inadequate punishment may be from a theoretical point of view, it has survived as a method of social control on the sheer merits of its directness, simplicity, and ease of use. Insistence on surveillance as a condition of probation is a final effort to manage and contain the individual's behavior in accordance with the group will and the group's demand for conformity.

There is, however, another view of surveillance which suggests a more hopeful and effective place for it in the probation treatment process. Such a view recognizes that the proper and healthy development of personality requires a stable set of limits within which the personality can develop its potential for responsibility and through which it can discover itself in a process of growth.

Although this is applicable to all of us, it is particularly and uniquely true for the offender because his key problem in living is so neatly focused in his offense against society. If he can come to some personally and socially acceptable conclusion to this struggle with society, he emerges from this process a far more integrated person, with a better understanding of his motivations, and a more highly developed and tested capacity to use his personality potentials. It is important to recognize surveillance as a potential dynamic in the process by which the offender grows toward self-control and responsible self-management.

Benefits of Surveillance

This all adds up to the fact that surveillance *is* a valid component of probation, not only in terms of society's insistence that there be some continuing control over the offender, but also, psychologically, in terms of what the offender himself needs to face in probation. As such, surveillance *is* treatment, not alien to it. As a matter of fact it is the element of authoritative surveillance in the probation relationship which sets it apart as a treatment process from other forms of psychological therapy. It is precisely this authoritative quality which makes probation uniquely helpful to the offender. A valuable probation service, therefore, is one which provides a fixed and limited frame of reference. It must be sufficiently exacting in its expectations to demand some real adjustment from the offender, some acknowledgment of society's greater strength, and some yielding on his part to that strength.

Used in this manner, probation must necessarily be a selective rather than a routine treatment alternative. It must be arrived at through a process by which the individual offender and the court can agree on its validity—a process which may take some time. In this Family Court, a period of study is almost always undertaken before a decision for probation is reached. This interval is a crucial period of activity in which the offender's need for probation is tested, as are his willingness, interest, and ability to use it.

Since the offender is faced with the possibility of more drastic court action, he finds it easy, of course, to verbalize his desire for probation; it is equally easy for the court to mistake his superficial acceptance. As a result, conditions must be established which will test the depth of the offender's interest in probation.

It is usually at this point that most courts put heaviest reliance on conditions of probation which can be so heavy and onerous a burden as to limit the offender's ability to grow more responsible. In the Family Court for New Castle County we have found it quite helpful to impose certain restrictions on the probationer which are clear and definite. We expect him to refrain from any further violation of the law, to remain within the jurisdiction of the court, and to secure court approval for any change in living arrangements. For juveniles we establish a curfew. Individuals under supervision are expected to make a constructive use of their time; adults should find gainful employment and, where it is appropriate, juveniles should attend school regularly. We require finally that the offender meet regularly with the probation officer, and that he make active use of this time to work on his problems of adjustment.

These conditions have little variance with the usual requirements of probation, although many courts often add additional restrictions as to time,

mobility, and activity. We have chosen instead to put our emphasis on the *manner* in which the offender *uses* his appointments with the probation officer. Each interview then becomes an experience in which the probationer's need, interest, and ability to use the probation relationship are examined, refined, and re-formed.

This is not an easy experience for the offender to live through, week by week. The court's insistence on movement and change in his situation compels him to respond in a positive manner or face the fact that probation is not what he really wants. This may mean commitment to an institution. It may also involve the recognition that the court has nothing to offer the offender and perhaps the judge may decide to restore the offender to the community without supervision. We have chosen on some occasions to take this risk rather than continue a probation relationship over a long and costly period of time when it has no value either to the offender or to the community.

It can be argued that such an approach limits the range of the court's service and also adds something to the community's danger. However, it has left the court free to work intensively with those offenders who are able to use this relationship.

Officer's Concept of Authority

In this approach to the task of developing a helpful probation service, the problem still remains of how treatment methods can be introduced into a relationship which is dominated and limited by authoritative supervision and control (surveillance). The matter of developing skill as a probation officer, and therefore offering a helpful probation service, consists precisely in achieving integration of treatment and surveillance concepts. This integration must take place within the probation officer who performs the service, and it is the manner in which he performs it that these objectives are realized.

The integration of these values in the work of the probation officer must be preceded by the officer's success in achieving some measure of personal integration himself. The value of training in a school of social work is that the focus is continually on the student's ability to apply what he learns. The application of the student's knowledge about human behavior to the development of a better self-understanding is an essential ingredient in the training process, preparatory to learning how to use one's own personality in helping others. Experience alone, even though based on many years of probation work, is not enough to establish one's competence as a probation officer. There is no substitute for the personal development which results from full-time professional training. Lectures, isolated courses, and in-service training programs can never fill this bill.

If, then, the probation officer comes to his job with some measure of personal integration, and has, as a practitioner, found a way of integrating what he knows with what he does, he needs yet to achieve an acceptance of the authoritative nature of the setting in which he operates. This crucial challenge involves several different problems, not the least of which is a clear definition of authority in the mind of the probation officer. The offender has enough trouble handling his own problem with authority without having to carry the probation officer's, as so often happens.

In addition, the probation officer must learn what it means to carry an authoritative function—how to be a probation officer and not a therapist. It takes at least one year of solid court

experience to achieve this learning, and for some practitioners at least this long to learn that they can never do it at all.

And finally, accepting one's role in an authoritative setting means building and maintaining a continuous relationship with a judge in a day-by-day operation. Many attempts to provide a useful probation service have foundered because a good working relationship between judge and staff is not formulated and sustained. Often the fault lies with the judge, who may be unable to grasp the contribution his staff is capable of making or who may be unwilling to yield his prerogatives. More often the failure lies in the probation officer's unwillingness to recognize the judge's crucial role in the court process, and in his inability to learn how he (the probation officer) can do a creative job and at the same time work in a setting which leaves ultimate responsibility for decision with another person.

The definitive statement on the relationship between staff and judge has yet to be written. When it is, we will have achieved considerable progress in this field. As a matter of practice, however, a compatible relationship between judge and staff is being achieved increasingly in courts throughout the country. In such courts the results are happily reflected in a more effective service to clients. Practitioners attempting to establish probation as a professional helping service have the responsibility to examine the nature of their relationships to judges, and to give added recognition to their part in making these relationships more effective.

Casework Supervision

The task of achieving a comfortable orientation by the probation officer to the authority of the court is an extremely complicated one and is, except in the unusual instance, not a task which he can achieve by himself. The function of casework supervision originates in this reality and provides the character, function, and purpose of the casework supervisor's job.

First of all, the purpose of the casework supervisor in the probation department is to make a service available to the probation officer, not the client. The object of casework supervision is to develop the probation officer's creative capacity to carry on a rehabilitative process in behalf of the offender.

This point of view is very different from the conventional concept of supervision as a process in which one person checks the work of another. It is a point of view which recognizes the probation officer as a practitioner capable of exercising independent judgment and action in handling an individual case. Each case is different and each practitioner brings to his case all that he is as a person and all his training and experience. The dissimilar nature of each case, which is typical of social casework practice and the administration of probation service, makes it necessary for the practitioner to develop a high degree of independent judgment and an ability to form and execute sound relationships with clients.

A probation officer needs every opportunity to increase his capacity for independent practice; he needs freedom to test himself intensively as he seeks to find that use of himself that will best aid each client. In this respect, the supervisor's prime responsibility is to help the probation officer deal effectively with his own limits in meeting his client's needs.

This, of course, puts a far more difficult challenge in the supervisory relationship than exists where the super-

visor is merely responsible for checking the probation officer's results. For the probation officer it means involving himself in a relationship with another person who does not provide ready answers to his problems, but rather provides an opportunity for the probation officer to test his capacity for independent judgment and action.

The supervisor bears great responsibility for standards of service, because often it is he who carries the court's concern for the way a service is being rendered. For example, we all know how easy it is for the probation officer to become so identified with his client as to be unable, at times, to truly evaluate the import of what he is doing. Frequently, the very fact that the supervisor is one step removed from the client makes him better able to examine the probation officer's procedures, not only in terms of the court's stake in the outcome, but in terms of what use the client is making of the officer's efforts. The probation officer often has a need for this kind of help and when it is available as a service for himself, he can use it freely without the defensive feeling that it is an adverse reflection on his ability.

The casework supervisor is often of considerable help to the probation officer as he endeavors to achieve and maintain his role as an officer of the court. To the probation officer, the supervisor symbolizes the authority which the officer must himself come to accept before he can help the offender do likewise. Often it is the relationship with his supervisor that helps the probation officer recognize the nature of his problem with authority. If the officer can find the opportunity to work on it with a person who understands how universal this problem is, and if he can come to an operating acceptance of authority, he is then better able to employ authority constructively in the client's behalf. Most of the probation officer's problem with authority is focused in his supervisory relationship, thus making supervision a key process in the proper administration of a probation service.

No Final Solution

This approach to probation is not the only solution to the complicated problem of formulating a final and definitive treatment process in behalf of the probationer, but its philosophy and methods of treatment are consistent with the surveillance that society demands the courts exercise over offenders.

For many delinquents this treatment approach has produced hopeful and positive changes in attitudes and behavior. It is a fact that our success in achieving results of this kind becomes more consistent as our skill and understanding of this process grows.

Historically speaking, the level and quality of the probation service took a needed turn upward when we came to recognize and accept the need for probation officers who have been carefully and responsibly trained. When we begin to lay the same emphasis on the value of casework supervision as an auxiliary, but essential, intra-agency process, we will make possible a level of effective service in dealing with offenders far beyond our present comprehension and belief.

Parole and the Law*

SCOVEL RICHARDSON
Chairman, United States Board of Parole

LAW may be defined as a device to influence human conduct in socially acceptable ways and to deter it from antisocial ways. Parole may be defined broadly in substantially the same way. Thus we can conclude that the objectives of both law and parole are very closely related.

From another point of view, however, it appears that the goals of law and parole stretch in opposite directions. It is held that the object of criminal law is to punish, with punishment operating as a deterrent from that form of undesirable conduct which we call a crime. The object of parole, on the other hand, is to rehabilitate a criminal offender through supervision and guidance so that he will be unlikely to return to antisocial conduct.

Some of our colleagues have gone so far as to say that punishment is not a deterrent to crime and that our concentration should be exclusively on reformation and rehabilitation; that people who are advanced in their thinking have gotten away from the old idea of punishment as an effective means of instilling desirable social conduct; that there is no value in punishment as a curative device. Some of them have gone so far as to urge that the walls of our prisons should "come tumbling down."

I am not prepared to go that far.

Punishment is still an ingredient in the sentences imposed by our judges and in the parole statutes enacted by the duly elected representatives of society. For instance, one of our federal judges has said: "There must be punishment for the crime committed." Or take a look at the federal parole statute, for example, which provides that adult offenders are not eligible for parole consideration until they have served at least a third of their sentence, or at least fifteen years if they have been sentenced for life or for forty-five years or more.

Even when we get to parole consideration, whether a man will be a good risk on the streets is not the sole criterion. Some inmates are definitely intelligent and competent enough to comply with the most stringent conditions of supervision during the period of their sentence following their eligibility for parole, and yet because of the nature of their offense it is felt that their release on parole at the time of their eligibility would not be compatible with the best interests of society. Actually many inmates have had all of the punishment, or treatment, if you prefer, that they need to become good and useful citizens, when the gates of prison close behind them. If we lay punishment and treatment end to end, it is hard to say where the former ends and the latter begins.

* From an address delivered at a meeting of the American Correctional Association, Des Moines, Iowa, September 30, 1955.

Definitions of Parole

Perhaps the definition of parole given at the beginning of this discussion was too broad. More narrow and distinguishing definitions are available.

Webster defines parole as a "conditional and revocable release . . . of a prisoner with indeterminate or unexpired sentence."

In his *Criminology*, Professor Donald R. Taft defines parole as the "release from prison after part of the sentence has been served, the prisoner, still in custody and under supervision, being permitted at large in the community under stated conditions until discharged, and liable to return to the institution for violation of any of these conditions."

The United States Board of Parole defines parole as "the release of a convicted offender under supervision, and under certain restrictions and requirements, after he has served a portion of his sentence in a penal institution."

The National Probation and Parole Association has organized a series of six statements in its second preliminary draft of "Principles and Standards for Parole" to express the concept of parole.

All of these definitions and statements make it clear that parole is not clemency or a grant of forgiveness, but a process of regulated reformation.

A Right or a Privilege?

From time to time parole boards are confronted with the contention that parole is a matter of right, even though the courts have held quite definitely that it is not a right but rather a privilege. If parole were assumed to be a right, it could be exercised by the inmate only when he attains a certain status. (It does approximate a right in the Federal Youth Corrections Act, which guarantees at least a try on parole for two years in certain instances.) The factors which could still restrict parole, assuming it to be a right, are inaccurate or poorly thought-out methods of computing time, ineligibility for the prescribed status for a certain period, and the loss of status due to forfeited good time. If we called parole a right it is conceivable that the following factors would serve to safeguard the right: statutory requirements for periodic reconsideration, a formal request for reconsideration, and a petition for re-sentence.

Regardless of our speculation as to whether parole is a right and the insistence of some of those known in prison parlance as "jailhouse lawyers" that parole *is* a right, the cases uniformly hold that parole is not a vested right. From a purely legal point of view and according to parole statutes, parole is a matter of grace and not of right. The federal parole statute of 1913 provided that prisoners serving definite terms were eligible for parole on the service of one-third of their sentence. This limitation still prevails, except for life sentences or sentences of forty-five years or more, in which instances the inmate must serve at least fifteen years before he becomes eligible for parole.

Parole is a privilege accorded at the discretion of the paroling authority. The intent of the framers of the parole law is to provide a latitude which will permit the parole board to develop techniques to change basic attitudes. The board's discretion is not unbridled; it is restricted by the ineligibility of certain offenders for parole, the time which must expire before eligibility is established under statute, and the waiver by an inmate of his privilege to file an application for parole consideration.

Qualifications of Board Members

The exercise of discretion is further ensured by carefully drawn provisions for the appointment of parole board members. According to the job description, members of the United States Board of Parole must have had special training and experience, and must have attained recognition in law, medicine, criminology, penology, psychology, or sociology. On the federal board we have a psychologist, a sociologist, a former warden, a former state parole director, two former probation officers whose formal training was in law, and two lawyers. We feel that this cross section of backgrounds and experiences gives us a quasi-judicial administrative agency of delicate balance. The points of view and disciplines represented—psychological, penological, sociological, and legal—are rarely found in any one person. The systematic exchange of views and ideas in individual cases by such a board and a consensus of a majority of three out of five in decisions to grant, deny, or revoke parole give substantial validity to board actions. Also, the fact that the board hears and passes upon applications for parole in thirty-one institutions located in various parts of the United States and yet has the opportunity to sit *en banc*, to discuss similar and contrasting factual situations in a central office before deciding a case, enables us to avoid great disparity and unbalanced justice in our decisions. Such a *modus operandi* makes it possible for us to achieve a high degree of uniformity without the rigidity of conformity.

Appointment of members of the federal parole board by the President of the United States and confirmation by the Senate after a thorough investigation by the Federal Bureau of Investigation insure a careful screening as to fitness and integrity. Definiteness of tenure (six years) makes the positions more attractive than if they were retained only at the pleasure of the appointing officer.

Parole Board Functions

The functions of a parole board should be clearly and fully defined by law, in order that there may be no "gray lines" of authority, obfuscation of authority or unassigned areas of responsibility. The law can be an effective support of parole if its definition of functions is succinct.

The board of parole should be given the responsibility for the exercise of all quasi-judicial functions with respect to the grant, denial, and revocation of parole; re-parole and conditional release; establishment of rules and regulations for parole and parole supervision; imposition or modification of the conditions of parole or conditional release; issuance of warrants and orders of revocation; and establishment of general parole policies. This authority should be clearly legislated.

Eventually most prisoners will be released from confinement. The question is, which is the better time for release, for both society and the prisoner: (1) at the point during his sentence when there is a strong probability that, with supervision and helpful guidance, he can spend the remainder of his sentence in the community without violating the law; or (2) at the end of his sentence, when he will be returned to the community without the benefit of a competent and understanding counselor during the most critical period of his transition from a controlled situation to a free society? Parole stresses the importance of continuing outside the prison walls the process, begun inside the walls, of modifying conduct patterns by funda-

mentally changing the individual offender. Thus it is an important procedural and administrative phase of criminal law.

Parole Selection

At the point of parole selection the law is neither a guide nor a support. The members of the board of parole are left to their own judgment or discretion, which is merely a reflection of their training, experience, and philosophy. They indulge in a constant balancing of the positive against the negative factors in each inmate's case in an effort to insure the release under supervision of only those inmates who they feel can be trusted to live in liberty without violating the law and whose release is not incompatible with the welfare of society.

In passing upon an application for parole, the federal parole board considers the following:

1. Reports of the prosecuting agency and the presentence investigation.
2. The social history of the offender prepared by professionally trained institutional personnel at the time of his admission to the prison.
3. "Parole progress" or institutional rehabilitation reports, including psychiatric analysis, the inmate's participation in the educational program, conduct during confinement, maturation, respect for authority, work reports, and attitude.
4. Nature of offense (and extenuating circumstances, if any).
5. Previous criminal record.
6. Escape history, if any.
7. Detainers.
8. Military record.
9. Employment history.
10. Stability; family ties; determination to make good.
11. Parole plan (suitable job offer; decent surroundings to which he can return).
12. Physical condition.
13. Recommendations of the federal attorney who prosecuted the offender and of the judge who imposed sentence on him.
14. Attitude of his community and family toward his return.

No listing of factors weighing for and against parole can ever be complete. Those mentioned above are suggestive, not definitive, and emphasis on each of them varies as circumstances require. The important thing is that each pertinent factor should be carefully evaluated. Hasty consideration and poor judgment may do serious damage to society. Also, an inmate may be damaged by being held too long—he may become discouraged and embittered. A man who walks out of prison with a chip on his shoulder is apt to get into trouble again.

Conditions of Parole

Conditions of parole are not specified in statutes; they are administrative regulations promulgated by a parole board by authorization of law and they have the full force and effect of law.

The violation of a condition of parole is not a separate crime subject to court trial, conviction, and separate sentencing. A parolee may, however, be returned to the institution for a breach of a condition of parole as speedily as he may be returned for the commission of a new offense. In imposing conditions on parolees the board has three matters to weigh: (1) its discretion in imposing conditions of parole; (2) the facility with which violations can be proved; and (3) the degree of liberty desirable for parolees.

Three conditions of parole frequently inspire controversy: (1) prohibition on association with persons having a criminal background; (2) prohibition on use of liquor; and (3) prohibition on movement outside the district.

As to the first condition, some say it is necessary in order to prevent criminal contagion, gang life, and victimization. Others feel that a parolee is bound to associate with others whose background is similar to his own and that the rule, therefore, invites violation.

Some persons endorse the condition prohibiting the use of liquor because drinking, it is said, is responsible for the commission of many offenses; its prohibition helps to guard against family instability and prevents the tavern from being a crime focus. Others feel that realism prompts the deletion of the prohibition against liquor and that parole should be revoked only when his drinking prevents the parolee from living up to other stated conditions of parole.

The condition prohibiting a parolee from leaving his district is supported to curtail nomadism, exercise control, and provide public protection. Those who feel that leaving the district should not constitute a violation of parole argue that mobility is an important part of national life and should not be too restricted.

Reasonable minds may well differ on the advisability of these and other conditions of parole. The important thing to keep in mind is that conditions are not set up with negative purposes—that is, to serve as constant reminders to the parolee that, having broken the law, he is not capable of shouldering the responsibilities attached to freedom; rather, they are conceived and should operate as aids to adjustment during his period of transition from prison to community life.

Disparity of Sentences

Imposing a sentence is a diagnostic procedure which requires a high degree of professional competence, keen insight, personal warmth, and appreciation of the needs of the individual and the welfare of society. If criteria for sentencing are nonexistent or in sharp conflict or otherwise deficient, one certain result is disparity of sentences. There is considerable fermentation in judicial, bar association, and parole circles, and in the press, over what can be done about this problem. It was recently the subject of discussion in the Fourth Circuit of the Federal Courts (which includes Maryland, North Carolina, South Carolina, Virginia, and West Virginia), where, between 1946 and 1954, sentences imposed for violations of the Interstate Car Theft Act ranged from eleven to thirty-six months. Recently, also, a Washington, D.C. daily newspaper carried a series of articles which discussed disparity of sentences imposed in income tax cases.

Disparity of sentences imposed for identical offenses, involving persons of similar motivation and background, not only amounts to a miscarriage of justice, but in some instances creates an unhealthy situation among prisoners, who compare their offenses and sentences. Inmates and their families and attorneys frequently point to the length of sentence one inmate received against a substantially shorter sentence received by another inmate confined in the same institution for the same offense, and urgently request the parole board to correct or balance the situation by granting a parole.

The American Law Institute and the Section of Criminal Law of the American Bar Association have recommended, as one way to reduce disparity in sentences, that intermediate appellate courts be given jurisdiction to

review, and increase or reduce, sentences. This proposal was discussed by Simon E. Sobeloff, Solicitor General of the United States, before the Criminal Law Section of the American Bar Association meeting in Chicago, August 16, 1954.[1] While not advocating that it would solve the problem, Mr. Sobeloff did state, "The truth is that passing sentence is too delicate and too powerful a function to lodge in any man's hands entirely unsupervised," and he suggested "study of the desirability of providing for appellate review of sentences."

New York permits reduction of sentences on appeal in certain types of cases and the Military Court of Appeals reviews sentences as well as judgments of guilt as a matter of course. This system has long been in effect in England. A bill pending in the Senate (S. 1480) and two bills pending in the House (H.R. 4930 and 4932) provide for appellate review of sentences, on appeal by the defendant, in criminal cases.

Another proposal, recommended by the National Probation and Parole Association to make even-handed justice more possible in sentencing, is the enactment of indeterminate sentence laws in all jurisdictions. Under such laws the court merely passes on the guilt or innocence of the accused and leaves to the parole board the determination of the exact time to be served. Since parole boards are authorized to release inmates from prison earlier than the expiration of the court sentence, they participate to some extent in the sentencing function and the determination of how long a person remains incarcerated. Many of them are authorized to terminate sentences by discharge earlier than the court sentence. Two parole boards, the California Adult Authority and the Washington Board of Prison Terms and Paroles, are actually referred to as sentencing boards.

Assistant Attorney General Warren Olney III, head of the Criminal Division of the Department of Justice, is representing the department on the Committee on Criminal Justice of the American Bar Association, which has the matter of disparity of sentences under study. The problem is also being studied by the new federal Advisory Corrections Council.[2]

Law and Parole Coordinated

Though parole and the law have much to learn from each other, they have not been treated together by many writers in the correctional field. Parole personnel and lawyers have tended to go their separate ways and generally do not meet on an issue of common concern except when they collide in the courts over some claim of violation or denial of a legal right.

There are some people who feel that parole and the law should steer clear of each other. I do not share that view. Society can benefit from more cross-pollination of the two disciplines than we have witnessed in the past.

[1] See *American Bar Association Journal*, Vol. 41, January, 1955, p. 13.

[2] See NPPA JOURNAL, Vol. 1, No. 1, July, 1955, p. 82.

A Legal View of Probation and Parole Conditions

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WE are accustomed to speak of probation and parole supervision as being *authoritative*, implying that the probationer and parolee are markedly subject to stringent legal requirements and strict administrative control. We are often apt to say that this is an aspect of probation and parole which we do not care to stress, preferring to emphasize instead the casework relationship which should exist between the officer and the individual under supervision—or, even—the "client." On the other hand, we probably are not unhappy that the law and the court or agency whose officer we are give us a good deal of security for the authority which inheres in us through the law. The legal problems involved in probation and parole supervision are, in fact, problems of *authority*: What is the extent of the legal authority involved in supervision, and what are the limitations, from the officer's point of view? From the point of view of the probationer or parolee, what rights does he have, if any, which must be respected by the officer, and what are his obligations under the law?

Two Statuses

There are, then, two statuses to be taken into consideration—first, the status of the probationer and the parolee, and second, the status of the officer. Basically, these statuses are determined by the probation and parole laws which create the authority of the officer (and of the court and parole board) and which subject the offender to certain conditions of living.

What is the status of the probationer and parolee? The penal laws attach certain variable sanctions as consequences of a criminal conviction. However, the probationer and parolee are not without rights. In fact, the legal situation is often defined as being a quasi-contractual one—the probationer or parolee is entitled to liberty so long as he does not violate the law or the conditions which are imposed on him. This means that the officer, as well as the offender under supervision, is bound by the conditions imposed.

There is another point to remember, and that is that penal laws are strictly construed against the state. The law favors the liberty of individuals. Applied to probation and parole supervision, the appellate court decisions hold that where doubt exists the behavior of the offender will be interpreted as not being a violation.

What of the status of the probation or parole officer? We may say generally that he is a peace officer, but not a police officer. In one sense his duties are narrower than those of a police officer—he is not called upon and does not have the authority to enforce the law generally. On the other hand, his powers are wider than those of a police officer by virtue of the special authority

given him to supervise individuals, and he may control the lives of individuals under his supervision to a far greater extent than may a police officer.

The Guiding Legal Element

The conditions of probation and parole are the guiding legal element in supervision. What does the law say about the kind of condition which may be imposed upon a probationer and parolee? The general statement is that a condition may control behavior in any respect, except that it may not require behavior which would be illegal, immoral, or impossible.

Undoubtedly, however, this is a power broader than we want or need, and in fact even legally the range is narrower than the general rule indicates. For example, one condition exiles the offender from the jurisdiction. It has been condemned by some courts as constituting cruel and unusual punishment; some constitutions forbid it. But probably the issue is not so much a legal one as it is one of the wisdom or propriety of "solving" the problem of the offender by banishment.

Undoubtedly another limitation is that a condition may not enlarge the sentence of the court, nor may a revocation result in enlarging the sentence. An ancient Virginia case held invalid a condition that the convict labor for three years in such a manner as the majority of the directors of public buildings might require. Perhaps, in fact, the rule should be—perhaps, inherently it is—that a condition of probation or parole must be framed within the purposes of the statute and must be reasonably related to the treatment needs of the individual, in the light of his offense.

Some formality is required in imposing the conditions. The probationer or parolee must have been definitely advised as to the conditions, preferably in writing, in order for a violation to be validly established.

We have said that the officer as well as the probationer or parolee is bound by the conditions imposed. The conditions of behavior are set by the court or parole board, not by the officer, and the power cannot be delegated to the officer. Where the condition of release subjects the offender to the direction of the officer, no doubt the orders of the officer must be within the context of the conditions laid down by the court or board. For example, the officer could not independently order restitution or support. And since the court or board may not delegate its authority, it may not *give* the officer authority to fix an amount of restitution, if the court or board orders it in general terms. It is questionable whether the kind of condition which *apparently* gives the officer the widest latitude in supervision —subjecting the offender to the general direction of the officer—secures it in fact. It may have the opposite effect, since if it amounts to an attempted delegation of authority, that would not be valid. The offender then would be subject to little more than visitation and reporting requirements.

The officer exercises "general supervision" over the offender's behavior. He has the right to visit the offender's home and to require an accounting of behavior. But we have already implied that there are legal limits to the control the officer can exercise in this way. No hard and fast rule can be stated, but the general guide is the line between friendly oversight and delegation of higher authority. For example, does supervision include the right to intervene in the offender's life in such matters as control of his finances? It would not seem so, except insofar as a condition spells out a monetary obli-

gation on the part of the offender (restitution, fine, support). Even here, the officer "enforces" the condition not by taking control of the offender's finances but by existence of the sanction of revocation for a violation.

Again, how far does the officer's right of visitation extend? Does it include the right to search the residence of the offender? Probably not. A search for evidence of a violation of law may be made only pursuant to a search warrant, which may be issued only by a magistrate. The situation is different when an arrest is being made for a violation. The officer has limited power of arrest, spelled out in the probation and parole laws. An officer making an arrest has authority to search the person of his prisoner, and any dangerous weapon or anything else may be taken away when such action is reasonably deemed necessary for the safety of the officer or the public.

Something more before the arrest, however. If the officer has knowledge of a violation of a condition of probation or parole, what does the law require him to do? The law gives the officer discretion as to whether the violation will be brought to the attention of the court or board; the law does not require that every violation be reported. On the other hand, the officer is subject to the direction of the court or board in this respect, and the kind of violation to be reported is governed by the administrative policy of the court or board. The important thing, however, is that there is no legal requirement—in most states, and in the Standard Probation and Parole Act—that every violation of a condition be reported by the officer. And it may be noted also that when a violation is reported administratively, the court or board may decide to take no further action, just as it may continue probation or parole after the violation is established.

As a practical matter, the offender is not protected by the legal limitations on authority unless the officer (and the department) see to it that they are made effective by not overstepping the limits. An officer can, if he chooses, exercise authority with a heavy hand, in effect imposing his own conditions of behavior, and the man under supervision has no effectual way of protest. At the present time in most departments he can challenge this kind of supervision only by submitting to a violation hearing. Some administrative review should be permitted the offender who questions the directions he receives from his officer, and the availability of such a review should, in appropriate cases, be interpreted to him by the officer.

On violation of a condition the authority of the officer to arrest is governed by the probation or parole statute. If the act does not constitute a crime authorizing arrest by a peace officer, the conditions of which are so carefully spelled out in the law, the officer should return to the court or board for the issuance of a warrant. The offender must be informed of the violation charged, and this is one of the functions of the warrant. The warrant may authorize any peace officer or the probation or parole officer to make the arrest, or the law may authorize the probation or parole officer to issue authorization to any peace officer to make an arrest.

If a warrant has been issued to the officer he has no further discretion, but must execute it, and the statutory procedure on arrest must follow. The jailing of a probationer or parolee as a disciplinary measure, followed by release without court or board action, is therefore a questionable procedure.

Authority in Balance

The foregoing are some of the principal legal rules involved in working with probation and parole conditions. It is not difficult to anticipate mixed feelings about them. On the one hand, we might feel that, having wide authority, we must be cautious about exercising it to retain a casework approach. On the other hand, if the limitations of authority described are greater than we had thought, are we unhappy at seeing how our authority is curtailed?

Possibly there is still another feeling —that the authority is broad, but not wide-open; that it is sufficient for our purpose of protecting the community; that the limitations are quite acceptable in the light of our effort to work with the offender on a casework basis. I assume most of us would state it so; authority is needed, but it is a burden as well as a resource; and a balance between these two aspects of authority requires definite limits on the powers of probation and parole officers, and on courts and parole boards. The practical casework problem in probation and parole supervision is cooperation and rapport between offender and officer; and the basic tenet we hold to is that this is to be obtained *voluntarily*, and cannot be compelled.

Does this mean that all is in balance in the legal phases of supervision? That may depend on how we look at the rules. I have referred to the rights of the probationer and parolee, the legal rules of strict construction, favoring liberty—and I see these as authority impinging on the officer *constructively*, pushing in the direction of permissiveness, underscoring the need for understanding. I have quoted the general statement of the rule regarding conditions of probation and parole, the wide-open rule that any condition is valid if the behavior required is not illegal, immoral, or impossible. But I have suggested that there are limitations on this general statement, and have implied that they are healthy and desirable, compelling the court and board to recognize their limitations, and hence to recognize the offender as an individual with rights. Do we not *have to* recognize him as an individual with rights, if we expect him to succeed later, when all the controls have been taken off? If so, the direction of our thinking ought to be to support limitations of authority and not attempt to increase our authority.

This leads to our recognizing that with respect to authority, we have a responsibility not only toward the offender, but toward the law. Probably the answer to the question of whether the law is in balance regarding authority is in our administrative attitude. Do we really see the merit in our limitations of power, and do we make them real in everyday administration? Probably in the long run the law will respond to this administrative attitude in action. But the law is slow, administration is swift, and in many ways—for the individual—its action is irreparable.

A practical paradox results, which potentially makes our power *greater* than the authority of the law. The law can be frustrated, or "added to," by the officer and supervisor, by the court and board. We come round to the realization that, in not a remote sense, the law is our authority, but that the administration of the law is a higher authority still. It is this which makes the working attitude toward the law decisive, this which is our double responsibility.

A Maryland court recently made an

observation that not only states a legal rule but suggests a viewpoint toward rules that seems eminently realistic. It said: "A parolee is not expected or required at once to achieve perfection. If his conduct is that of the ordinary well-behaved person, with no more lapses than all people have, with no serious offenses charged against him, and with no indication that he intends in the future to pursue the course which led to his original conviction, the courts and probation officers should not seek for unusual and irrelevant grounds upon which to deprive him of his freedom."

The change in the public conscience which is necessary [in order to abolish] our villainous system of dealing with crime will never be induced by sympathy with the criminal or even disgust at the prison. The proportion of the population directly concerned is so small that to the great majority imprisonment is something so unlikely to occur—indeed, so certain statistically never to occur—that they cannot be persuaded to take any interest in the matter. As long as the question is only one of the comfort of the prisoner, nothing will be done, because as long as the principle of punishment is admitted, and the Sermon on the Mount ridiculed as an unpractical outburst of anarchism and sentimentality, the public will always be reassured by learning . . . that our prisons are admirable institutions.

—GEORGE BERNARD SHAW
The Crime of Imprisonment

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In Praise of Children's Court Judges*

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FEW persons, except those immediately interested in the work, have any idea of the jurisdiction of a judge of the Children's Court or of the importance of the service rendered to the community by such a judge. It has been described on occasion by members of the Children's Court, but it has seemed to me that it might well be discussed objectively by a judge of another court.

Youth as Our Future

The primary subject of the dedicated service of a Children's Court judge in New York State, as in many other states, is the child under sixteen years of age who, in some thirty-five years, is going to move in and take over all that we have striven to accomplish. He will judge us by what we have done. From his ranks will come our presidents, our governors of states, our senators and assemblymen, our judges, our bishops and pastors, the executives of our banks, our insurance companies, our utility companies, and all our great business corporations. We may establish policies and goals, but if the boys of today do not approve of them when whey come to manhood, they will scrap them. If thirty-five years from now the boy and girl of today do not believe in the theory of government in which we believe, in the rules of action and conduct by which we guide our lives, in the economic doctrines and principles which, in 175 years, have enabled America to outstrip all the nations of the earth, they will change them. Whether today's children will later react for good or evil depends upon the reactions wrought in and upon them by their parents, school teachers, and religious leaders. We are witnesses to the struggle for the minds of boys and girls when "freedom of expression" becomes translated as irresponsibility and anarchy, poor substitutes for "discipline of expression," which is obedience to moral law as catalogued in part by the Ten Commandments and amplified further by the Sermon on the Mount.

Religion and morality, George Washington said, are "the great pillars of human happiness, the firmest props of the duties of men and citizens." In his Farewell Address, he said: "Let us not indulge the supposition that morality can be maintained without religion. Regardless of the influence of refined education on minds of peculiar structure, reason and experience forbid us to expect that national morality can long endure an exclusion of religious principle."

In our own day, Sir Richard Livingstone, president of one of the colleges at Oxford, has referred to our civilization as one "of means without ends; rich in means beyond any other epoch, and almost beyond human needs; squandering and misusing them, because it has no overruling ideal; an ample body with a meager soul."

* Adapted from an address at the conference of the New York State Association of Children's Court Judges, Garden City, N. Y., September 30, 1955.

The Child and the Court

The home, the church, and the school should educate children to become upright, participating citizens in our republic. As Joubert said many years ago: "Children have more need of models than critics." When, however, a child under sixteen cannot sustain the pressure which builds up in him because of the failure of one or more of these instruments for good, then that is the delinquency of the "model" and not of the boy or girl. By Constitution and state statutes, special courts have been set up to save the child from such delinquency of others so that he may not become a delinquent himself. The dictionary definition of delinquency—"neglect of, or failure in, duty"—makes this abundantly clear. Thus, the child is to be preserved or reclaimed for society through a judge of the Children's Court when the natural instrumentalities fail. As put so well by John Warren Hill, Presiding Justice of the Domestic Relations Court of New York City: "Children's Courts have the legal responsibility of preserving or reclaiming for useful citizenship those children under sixteen years of age whose attitudes and actions become antisocial, who have failed to accept or respond to treatment services offered them on a voluntary basis by private or other public agencies, and who at last are brought face to face with an authoritative agency such as a court." These are called delinquent children as distinguished from neglected or mentally deficient children, who are also under the jurisdiction of the judges of the Children's Court. I have not, of course, delineated the entire jurisdiction of the Children's Court, for this is enough to indicate the burdens which have been placed upon the shoulders of these judges. Who shall say that this court is not the most important court in the state?

The legislature, in establishing Children's Courts, made a wise social approach to a most difficult problem. It gave the judge the power to have a child within the jurisdiction of the court examined by a physician, psychologist, or psychiatrist and, when necessary, to have him sent to a hospital for psychiatric study and observation. The judge also has the power to order the physical or psychiatric examination of a parent or other person having or seeking the custody of a child.

Adult Responsibility

No child wishes to be a delinquent. He wishes to grow up to be wanted and respected. Those are strong desires. But a child under sixteen can do little, if anything, to control his destiny. He must depend primarily on his parents. When his parents separate, or when they have a relationship of continuous conflict and bitterness, or when they consider him a disagreeable burden, he cannot escape being damaged mentally and emotionally. Even grownups wish to be needed and wanted. Many men who have led useful, productive lives are disturbed mentally and physically a year or two before retiring, as well as after retiring. How incredibly worse it must be for those under sixteen who have nothing to look back on except the experience of rejection. So comes rebellion in a child. He hates his environment and his hand turns against it. If society or his parents appear to him to have failed him, he does some brash, stupid, anti-society act to show his hatred and anger, his disgust with and his mistrust of what we call our society or community. Having taken the first step, the next is easy. Eventu-

ally, if he is still within the age of juvenile jurisdiction, he comes to the attention of a judge of the Children's Court. The judge knows that he must preserve or reclaim that boy or girl for useful citizenship, for he knows that delinquent behavior improperly handled today is the beginning of tomorrow's adult crime. We now begin to realize the responsibility that we have placed upon the judges of the Children's Court.

Parental failure is only one of a great many causes of delinquency. At a hearing of the New York Temporary State Commission on Youth and Delinquency, September 1, 1955, the statement was made that "juvenile delinquents are made, not born that way." One table, presented by Judge George W. Smyth, of the Westchester County Children's Court, listed contributing factors to juvenile delinquency "by number of causes" found in 256 typical cases, as follows:

Inadequate recreation	118
Lack of religion	88
Parental conflicts	86
Parental indifference	75
Working mothers	68
Poor family income	67
Bad neighborhood	67
Overprotection of child	56
Poor housing	52
Low morals	44
Abandonment of child	31
Parents separated	29
Alcoholism	19
Improper school placement	19
Mental deficiency	16
Parents divorced	15
Reading difficulties, etc.	11

It was very interesting to read that at the same hearing Judge Smyth, after twenty-six years of service in the Children's Court, reported that while he formerly dealt entirely with children, half of his work now has to do with parents of neglected children from the standpoint of preventing delinquency.

Parental and Social Discipline

I also found it interesting and in one respect more consoling to learn that, on the same day of the hearing, Dr. Alexander C. Rosen, staff psychiatrist at a California county hospital, reported at a conference of the American Psychological Association in San Francisco that although the number of delinquents almost doubled between 1940 and 1953, 80 to 85 per cent of these children did not later, as adults, commit serious offenses. We shall never know exactly how much of that heartening result is due to natural causes and how much to church and school and more understanding parents and to instrumentalities such as the Children's Court. Of course, the 15 or 20 per cent remaining poses a serious but not a hopeless problem.

Finally, at the same conference at which Dr. Rosen spoke, Dr. Wesley Allinsmith, of Harvard University, said: "Authorities suggest to parents that they err on the side of firmness, since the neurosis that may result from too much strictness is better than the misbehavior that results when a child acts out his conflicts." Then he added: "But this talk about more discipline does not answer the question, 'More of what kind?' "

I have listened many times over the years to men boasting of how strict their fathers were with them until they were twenty-one years of age and older. It occurred to me once while listening to one of these men that I had never heard any man boast that his father had permitted him to do anything he wished at any age. When men grow up they have pretty good judgment when it comes to judging their parents.

Judge Smyth summarized it best when speaking at the 1954 summer

meeting of the New York State Bar Association[1] at Saranac Inn: "While preserving the kindly aspects of our courts, our measures should be such that the charge of coddling cannot stand. Our probation work must be strong and effective. Our specialized institutions must be good. Above all the judge must be firm as well as understanding. This is the more important today because discipline seems to have disappeared from our modern treatment of children outside the court system to a considerable extent. We are living in an age in which the pace of living has been greatly accelerated and children are subjected to adverse influences inherent in modern-day living with which it has been very difficult to cope. Freedom of expression and the theory of self-development may have tended to swing the pendulum toward the side of license. We must, therefore, concern ourselves with finding more effective means of imparting to youth sound citizenship concepts."

Troubles and Frustrations

Appreciating as I do the burdens and responsibilities of Children's Court judges, I made an informal survey to find out what were the troubles, trials, and frustrations of these judges.

I found there were several. The first is that the Children's Court is sometimes confused with courts dealing with "wayward minors" and "youthful offenders," boys and girls over sixteen years of age.

Further they lack some of the tools and services necessary for the proper and expected performance of their work with the children. There are not enough probation officers. Those available have investigation and supervision caseloads which, by proper standards, are double the load that can be carried effectively. In addition, the probation officers are generally underpaid. Those who are well trained and well educated leave for positions in other states, lured away by higher pay and working conditions that make it possible to offer professional service. So new men must be trained and educated to take their place, and eventually they leave also, for the same reasons.

Finally and possibly more discouraging is the fact that in too many cases, to quote Presiding Justice Hill again, "these courts do not have vacant places in training schools or in detention homes to which they can remand or commit the children who seriously need a controlled environment." Thus they are left unsupervised in the community although both the children and the judge know they should not be. The children often interpret this as the indifference of the community and go from bad to worse.

I have known a number of judges of the Children's Courts for years. They are truly dedicated men. They believe, and rightly so, that the work they are doing is invaluable in our society. In *People* v. *Lewis* (260 N.Y. 171), our Court of Appeals, speaking through Associate Judge Crouch, pointed out that Children's Courts were established as they now exist to rehabilitate children and not to punish them. We said in that case: "The fundamental point is that the proceeding was not a criminal one. The state was not seeking to punish a malefactor. It was seeking to salvage a boy who was in danger of becoming one. In words which have often been quoted, 'The problem for determination by the judge is not, Has this boy or girl committed a specific wrong, but What is he, How has he become what he is, and What had best be done in his interest and in the interest of the state to save him from a downward career.' "

[1] "The Fruitful Years," *New York State Bar Bulletin*, July, 1954.

Employment Problems of Former Offenders

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SUITABLE employment for former offenders is one of the most important factors in the complex process of rehabilitation.

This study[1] was designed to examine, in a small way, the situation faced by former offenders seeking employment in the area of metropolitan Toronto (population 1,170,000). The approach used was an investigation of hiring policies, practices, and experiences of prospective employers and of some organizations having direct or indirect influence on the policies and practices of these employers.

A sample of 44 private employers, the federal, provincial, and municipal civil service, and three public utility companies was selected for a total sampling of 50. In addition, the policies and practices of two bonding companies, the Canadian Congress of Labour, and the Trades and Labour Congress of Canada were also examined in regard to their influences on actual employers.

Classification of Employers

Three main groups of employers were represented in the sample:

1. Those employing predominantly white-collar workers.
2. Those employing predominantly skilled workers.
3. Those employing predominantly unskilled workers.

The proportion of these groups in the sample was based on actual employment of former offenders in the three divisions of labor as stated in the annual report of the Ontario Department of Reform Institutions. An attempt was also made to have employers of both large and small organizations represented; by and large, however, individual employers were selected at random.

The people interviewed were personnel managers or other officials in charge of hiring. On the whole they were cooperative and only two of the total group refused to disclose any information about their companies' employment policies. Two other firms were then substituted.

The information obtained here is the employers' own interpretation of their employment policies and practices in regard to hiring of former offenders. There was no way of directly checking the correctness of this information.

Distribution by Policy and Practice

The first question—whether employers have a definite policy regarding the hiring of former offenders—revealed that 44 per cent have a definite policy. The remainder—56 per cent—do not have any definite policy and deal with the problem only on the level

[1] Part of a thesis prepared at the University of Toronto School of Social Work, 1954.

of practice; their reason was a lack of experience on which they could base a policy or the problem comes up so rarely that no policy is required. Two employers stated they prefer not to have a definite policy because, of its very nature, it has to be quite rigid and in dealing with a problem like this considerable flexibility is desirable.

Nature of Policies and Practices

1. NEGATIVE—Of the total group, 16 per cent have a definite and negative policy: they refuse to hire a former offender under any conditions. Typical was a certain banking company which thoroughly investigates every employee. Any evidence of guilt of any criminal offense disqualifies the person from further consideration for employment with the company.

2. POSITIVE—To 34 per cent of the employers, a man's past offenses were not important factors in hiring. (Of the 17 employers in this group, 14 have a definite policy, positive in nature, and 3 have a positive practice.) Representative was a construction company which wouldn't ask any questions about an applicant's past and would not disqualify him for employment even if he voluntarily admitted an offense.

3. CONDITIONAL—Exactly half of the employers in the sample subscribed to a conditional practice, which means they will hire a man with a criminal record under certain conditions. None of the employers with a conditional approach has a definite policy; each deals with every case on an individual basis. This means, of course, that the personal opinions and bias of the director or personnel manager determines the decision. As seen below, he considers such things as seriousness of the offense, but one interviewer may feel

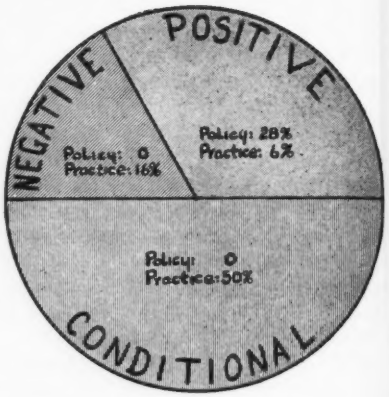

FIG. 1

that stealing $100, for example, is a serious offense, while another may not regard it as serious.

The factor of the supply of labor enters the picture with about 64 per cent of the employers. Thus, if they had the choice of a man with a criminal record and one without, the man without the record would get the job. Because of the present abundance of labor this alone would reduce the total potential employers in the conditional group by more than half. It seems doubtful that many former offenders could qualify for employment after all the following factors are considered:

(*a*) *Nature of Offense*—All the employers in the conditional group stated that before hiring a man with a criminal record they would consider the nature of his offense. Offenses against rights and property were considered most unfavorable by 40 per cent, against morals and public convenience by 18 per cent, and against the person and reputation by 8 per cent.

(*b*) *Job Requested*—All employers in this particular group likewise felt this second consideration would affect their decisions. The responses showed that

84 per cent would consider a former offender for unskilled labor; 64 per cent for skilled labor; 40 per cent for clerical positions, and 8 per cent for salesmen. None, however, would consider a former offender for the position of accountant, cashier, or executive.

(*c*) *Seriousness of Offense*—Considered by 92 per cent of the employers.

(*d*) *Date of Offense*—The length of elapsed time since the offense was committed is examined by 80 per cent.

(*e*) *References*—The nature of references influences 72 per cent.

(*f*) *Supply of Labor*—If two equally qualified men, one a former offender and the other not, were applying for the same position, 64 per cent of the employers indicated that the man without the record would be hired.

(*g*) *Rehabilitation*—The applicant is required by 32 per cent of the employers to have proved himself with some other employer since his last offense.

(*h*) *Degree of Punishment*—The degree of punishment is considered by 20 per cent of the employers.

Reasons for Refusal of Employment

Over 90 per cent of the employers with negative and conditional approaches would refuse employment to a former offender if they felt he was not trustworthy. (In reality, however, only four employers had such experience and the others, when refusing employment to a former offender, are just assuming that he cannot be trusted.) Statements that they are forbidden, by bonding companies, to employ men with criminal records were made by 27 per cent of the employers in this group and 3 per cent held that hiring such men was bad for the morale of their other workers.

Past Experiences

The aspect of past experience of the fifty employers with former offenders is also worth considering. It is interesting to note that none of the employers with negative policies had ever had any experience with people found guilty of some criminal offense. Of the 12 employers who had knowingly employed former offenders, 5 found their services satisfactory, 4 found them unsatisfactory, and 2 were noncommital. Only one maintained that employment of former offenders had a demoralizing influence on other employees.

Employers' Reactions to Placement Services

Only 2 of the 50 employers interviewed had been approached about employing former offenders by the Special Placement Division of the National Employment Service, the John Howard Society, the Salvation Army, or the rehabilitation officers in the Department of Reform Institutions. One of these employers considered the approach ineffective and the other one, annoying. Their complaints were that one of the agencies appealed to the religious feelings of the employer instead of selling the applicant on his individual merits, and that another of the agencies repeatedly kept calling although the company had indicated its negative position. A few employers prefer that a man place an application for a position on his own instead of being sponsored through one of these agencies, but the majority thought it would make little difference.

Influential Organizations

Inquiry was also made of three bonding companies regarding the issuing of fidelity bonds, and also of trade

and industrial unions regarding membership regulations as they affect former offenders.

All the bonding companies admitted it was improbable that a bond would be issued for a man with a criminal record. None had ever remembered issuing bonds for any such person. A representative of one of these companies stated that considerable responsibility is involved in giving bonds and therefore all risks are held to a minimum.

Representatives of the two biggest Canadian industrial and trade unions stated that their organizations do not hold a man's past against him in any way. They feel that having served his time, a man has paid his debt to society and should be considered on equal terms with all other citizens. According to these representatives, there had been no difficulties with those men coming out of penal institutions who had a trade before they went in. But those who first started to learn a trade in a penitentiary or a reformatory often ran into trouble when they came out because their training, in many cases, proved to be inferior. But these difficulties were of a professional, rather than social nature.

For the purpose of this study all former offenders were divided into three occupational categories: unskilled workers, skilled workers, and white-collar workers. Accordingly, the sample of employers consisted also of three general groups: those which employ predominantly unskilled workers, those which employ predominantly skilled workers, and those which employ predominantly white-collar workers.

We shall now consider the situation separately in each of the above-mentioned groups of employers to determine whether the former offender who is an unskilled laborer faces the same employment problems as does the skilled or white-collar worker.

Employers of White-collar Workers

In Table 1 the 10 employers selected included banks, insurance companies, real estate firms, and department stores. Half of them subscribed to a negative policy, which means that under no conditions would they hire anybody with a record of criminal offenses. The other half stated they would hire former offenders under some conditions. However, the only positions they would be willing to consider them for were clerical and 2 out of 3 department stores would also accept them as salesmen.

The table also shows the reasons why

Table 1. Employers of Predominantly White-collar Workers

Number of Employers	Policy or Practice	Positions Offered			Reasons for Refusal		Ask about Past		Action Taken			
		Clerk	Sales-man	Un-skilled labor	Man is un-trust-worthy	For-bidden by bond-ing com-panies	Di-rectly	Indi-rectly	Discharged	Re-tained	No expe-rience	Could not hap-pen
0	Positive	0	0	0	0	0	0	0	0	0	0	0
5	Negative	0	0	0	4	5	5	0	5	0	0	0
5	Conditional	5	2	1	5	0	3	2	0	3	1	1
10	Total	5	2	1	9	5	8	2	5	3	1	1

the firms with negative and conditional approaches would refuse to hire a person with a criminal record.

Of the 10 employers in this category, 8 ask the applicant directly about any past criminal offenses and 2 more ask about past employment. If a man were to give false information in regard to these questions, 5 of the employers would automatically discharge him; 2 would reconsider the case; and 2 said they had no experience with this situation or that it couldn't happen to them.

Employers of Skilled Workers

The group in Table 2 consists of only 4 employers and was represented by garages and trucking companies. It is, admittedly, a small sample and the findings have to be considered with certain reservations. However, it may be significant that only 2 of the employers stated they would be willing to hire a former offender under some conditions for both skilled and unskilled labor. The other firms wouldn't consider a former offender at all.

The reasons for refusal are of the same nature as in the white-collar category, with the exception of one employer who states that his customers would stop doing business with him if they knew he employed former offenders.

Table 2 shows that 2 employers with a definite negative policy ask an applicant directly whether he has ever been convicted of a criminal offense. An employee concealing this information would be automatically discharged.

The other employers, who have conditional approaches, inquire only about past employment. Later, if the company discovers that the man has served time in a penal institution, it asks him for an explanation; if it is satisfactory, he is retained.

Employers of Unskilled Workers

Since most men coming out of penal institutions are unskilled laborers the group in Table 3 was the largest in the sample. Half of the 30 employers of unskilled workers were construction companies and the remainder was divided among manufacturers, lumber yards, and moving and crating companies. Many of them also employed a small clerical staff and a few skilled workers, but the majority of their employees were in the unskilled category and consequently they were included in this group.

On the whole, the employment prospects of former offenders who are unskilled are somewhat better than those of mechanics and far better than those of white-collar workers.

Table 2. Employers of Predominantly Skilled Workers

Number of Employers	Policy or Practice	Positions Offered		Reasons for Refusal			Ask about Past		Action Taken	
		Skilled labor	Unskilled labor	Man is untrustworthy	Forbidden by bonding companies	Public opinion	Directly	Indirectly	Discharged	Retained
0	Positive	0	0	0	0	0	0	0	0	0
2	Negative	0	0	1	1	0	2	0	2	0
2	Conditional	2	2	2	1	1	0	2	0	2
4	Total	2	2	3	2	1	2	2	2	2

Table 3. Employers of Predominantly Unskilled Workers

Number of Employers	Policy or Practice	Positions Offered			Reasons for Refusal					Ask about Past			Action Taken		
		Clerk	Skilled labor	Unskilled labor	Man is untrustworthy	Previous experience unsatisfactory	Forbidden by bonding companies	Bad for morale	Public opinion	Directly	Indirectly	Do not ask	Discharged	Retained	No action
17	Positive	0	17	17	0	0	0	0	0	0	0	17	0	0	17
1	Negative	0	0	0	1	0	1	0	0	1	0	0	1	0	0
12	Conditional	2	12	12	12	3	1	1	1	2	10	0	4	7	1
30	Total	2	29	29	13	3	2	1	1	3	10	17	5	7	18

As Table 3 shows, 17 of the 30 employers had a positive definite policy (including three with a positive practice). In regard to unskilled workers, over half of the total group of employers would not consider past criminal records an important factor in hiring. This applies also to their skilled workers, whereas their clerical workers are usually thoroughly screened and in a few instances require bonding.

Twelve other employers had conditional practice and would consider former offenders for both skilled and unskilled labor. Two in this group would also offer clerical positions.

There was only one employer with a negative policy, who would not offer former offenders any job. One of his employees, *who did not have a previous record*, had recently stolen a number of articles from him and had embezzled money from his company's funds; as a result, this employer now refuses to hire anybody who was ever suspected of criminal tendencies.

The main reason given for refusing to hire a former offender by those with conditional and negative approaches was again the assumption that, by definition, he is not trustworthy; in a few cases the reason was unsatisfactory previous experience, bonding company regulations, and public opinion. One employer stated that it is bad for the morale of the other workers. (See Table 3.)

None of the employers with positive approaches asks any questions about past offenses, and none would take action if the offenses later came to light. In the negative and conditional approach group, 3 employers inquire directly about past offenses and 10 more ask about past employment. If a man gave false information 5 would automatically discharge him and 7 would re-examine the situation and decide afterward.

Three Groups Compared

Comparing the situations of these three groups, we see that the former offender with a white-collar occupation is faced with the most serious difficulties in finding employment. Half of the employers would not consider him at all; the other half would probably offer him, at best, a minor clerical job only *if* they were not choosing between him and a man without a criminal record, and *if* they did not consider his offenses too serious and too unfavorable, and *if* he was a young first offender, and *if* he had good references. Only a few lucky ones can hope to

obtain employment under these conditions. The most striking thing about this quite unfavorable situation for the former offender is that it is based on assumption rather than actual unsatisfactory past experience.

The skilled mechanic seems to be in a slightly more favorable position for employment although negative policies of bonding companies and assumptions that he is not trustworthy also reduce his chances considerably. Contrary to popular opinion a skilled mechanic seems to be up against more obstacles and frustrations than ordinary unskilled laborers.

A former offender without any skills is considered on equal terms with all other applicants for a lower paying job, such as construction work, and has at least a fair chance of getting a better paying position, such as work in manufacturing. The tendency seems to be that the more skill and responsibility a job requires, the less chance a former offender has to get it.

All this would indicate that in reality the former offender is up against some quite difficult obstacles in looking for employment and all he actually can count on are the 34 per cent of employers who do not ask any questions about his past.

Civil Service and Public Utilities

It was mentioned above that the sample also included the federal, provincial, and municipal civil services, and 3 public utility companies. They have a unique position in the employment situation because many private employers believe the proper thing to do is to copy their practice.

As Table 4 shows, all 6 of these bodies subscribed to a conditional practice, which means they would hire a former offender under certain conditions. All would consider him for unskilled labor, 2 for skilled labor, and 3 would be willing to offer him a clerical job but nothing higher.

Of considerable interest are the reasons why they would refuse to hire certain former offenders. All 6 expressed the common assumption that people with criminal records are not trustworthy and that public opinion would not approve of their employing such men and paying them wages from the taxpayers' money.

Two of them ask the applicant for employment all questions under oath; if he were to give false information concerning any past offenses, he would be automatically discharged. Four others inquire only about past employ-

Table 4. Hiring Policies of Civil Service and Public Utility Companies

Number of Employers	Policy or Practice	Positions Offered			Reasons for Refusal		Ask about Past		Action Taken			
		Clerk	Skilled labor	Unskilled labor	Man is untrustworthy	Public opinion	Directly	Indirectly	Discharged	Retained	No experience	Close check kept
0	Positive	0	0	0	0	0	0	0	0	0	0	0
0	Negative	0	0	0	0	0	0	0	0	0	0	0
6	Conditional	3	2	6	6	6	2	4	2	3	1	1
6	Total	3	2	6	6	6	2	4	2	3	1	1

ment. In the case of a man withholding information, 3 would give him a chance to explain his reasons for it and if they were satisfactory the man could be retained; one of them avoided the question by claiming lack of experience.

In their attitude and ways of dealing with the former offender, these 6 employers are not especially different from the others in the sample—and it is precisely this similarity that is significant, for many private employers look to them for leadership in dealing with the problem. What these public employers endorse, unfortunately, is the unproven assumption that a man who once committed a criminal offense cannot be deemed trustworthy. Instead of attempting to influence the bias in public opinion regarding this matter, they are careful not to differ from prevailing public sentiment.

It all adds up to a piece of inconsistency with an inescapable ironic twist: Government, as administrator of penal institutions and parole, tries to induce private employers to hire former offenders. But as employer, government (through civil service) studiously avoids doing what it urges private enterprise to do.

Any plausible attempt to reform something that has worked as atrociously as our prison system should have its frailties viewed with benevolent patience. Given time and experience, the new movement [probation and parole] may overcome many of the evils which it has already manifested, such as the abuse of discretion by judges and parole boards, and the number of paroled prisoners who commit new crimes.

—MORRIS RAPHAEL COHEN
Reason and Law

Probation, Parole, and the Community

CHARLES SHIREMAN

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PROBATION, parole, and the social problem court are peculiarly American inventions, developed during the last fifty years. These programs for coping with the offender against society have spread to all parts of the world. In our country they have gained wide acceptance; scattered throughout the land are large, vigorous departments devoted to rehabilitation of the offender by skilled probation and parole officers. We in probation and parole very properly think of ourselves as belonging to a new and expanding profession. Our efforts are supplemented by the teachings of the biological, physical, and social sciences and by an array unmatched anywhere in the world of child welfare services, recreation agencies, guidance clinics, family counseling programs, and other services designed to help with problems of social maladjustment.

And yet, there are major flies in the ointment. In spite of all our efforts delinquency and crime rates in America remain about the highest in the world. In the field of juvenile delinquency, arrest and court referral rates seem to skyrocket each year. At a time when delinquency rates in England and some other European countries are apparently going down, as they are reported to have done in recent months, ours seem to continue to climb—although, of course, we have no accurate measure of the true extent of juvenile misbehavior. Such trends result in frequent questioning of our efforts. "Show me the results of your expensive programs," we are challenged. We, ourselves, are often discouraged. It sometimes appears to us that we are caught in the position of Alice in Wonderland, when she despairingly realized that for all of her running she and the Red Queen had not passed the tree where they had been all the time and the Red Queen said, "Now here, you see, it takes all the running you can do to keep in the same place." With all the running we and the rest of the community can do to prevent and control delinquency and crime, we have scarcely held our place, and we will have to run much faster in order to make real progress.

We can honestly resent implications that continued high rates of delinquency and crime indicate that our programs directed at their control are useless. We cannot be held accountable for the major forces within the American community that produce these pathologies. To the extent that there are elements of sickness in our society, we will have sick individuals. The mobility of American life and the resultant uprooting of hundreds of thousands of families, the fear and insecurity of our times, the emphasis on war and unleashed aggression, materialism, racial tensions, poverty, depressed neighborhoods—all these pro-

duce problems so great that we may logically wonder why there is not much more delinquency than there is.

Poor Public Support

Nevertheless, we cannot confidently say that probation and parole are making their maximum contribution. In spite of the theoretical acceptance these programs have gained, they are almost everywhere operating under such severe handicaps that they never have a chance to do the job that we think they should do. As a matter of fact, many of us cringe when we think of the ways in which we are *not* putting our present knowledge to work in the delinquency control field. We are pretty well convinced that a skilled probation or parole officer giving full time to a workable caseload can help a significant percentage of his charges to get on the "road back" to social adjustment—can save them from a lifetime of unhappy maladjustment and criminality. But, if we really face the facts of life, we have to admit that such a situation does not really obtain very frequently. A great many officers carry up to 100 cases; in addition, they make ten or twelve new investigations a month, a full-time job in itself. Under such conditions, probation or parole supervision frequently becomes a farce. The futures of many of our charges are lost, simply because we cannot do the job that we know should be done.

Size of caseloads is not the only problem. We also know that in order to do our job we need to attract and hold in our field the finest type of personnel. We need young men and women with the highest personal qualifications. In addition, they should have a sound background of knowledge of the development of human personality, of the various factors influencing behavior, and of the ways in which our resources and those of the community can assist in the rehabilitation of the offender. This background does not come cheaply. It is usually bought, as a beginning, at the expense of years of university study, preferably leading to an advanced degree. Yet, we ask such people to come to work for us at salaries that frequently do not exceed those of good janitors or building maintenance personnel. We do not pay our men enough to support a family decently. As a matter of fact, some of our very best personnel must find a second job in order to make ends meet. This is inevitable, granting present salary scales. But how in this most demanding of fields can we hope to have our staff members function at peak levels when they cannot even throw their whole energies and enthusiasms into a job which should demand their very best of them?

Such situations, are, of course, a result of inadequate public support. Somehow we have not properly sold our services to the public. In a way, this seems odd. We believe that proper probation and parole services can save money as well as human values. The California Youth Authority, for example, has estimated that in the average case in which delinquency begins at an early age and continues on through commitments to the various juvenile institutions, the cost to society will be at least $25,000. Probably no one could calculate this sum exactly, but the figure is not unreasonable. At this rate, the successful rehabilitation of a very few offenders would be a paying proposition. Still, we simply cannot get the support needed to let us do the job.

Honest Reporting

I do not know what the answer is. Obviously, our doing the best job we

can do and using all possible means of public interpretation on what we are doing are important. I do have one suggestion to make, however. I wonder sometimes whether we are sufficiently honest with the public. In our natural efforts to defend our budgets, it sometimes seems to me that our public interpretation covers only the things that we have done successfully. Frequently we seem afraid to point out the things that we should be doing but can't. As we look at annual reports or other public releases, we find a rather glowing picture painted. Not too long ago, a group of representatives of an influential women's organization made an inquiry into the situation in one department. They came away with the feeling that there was very little the department needed in the way of help or public interpretation. Perhaps they also had a vague feeling that all was not rosy, but that they couldn't find out just what was wrong.

It may be that these unrealistic reports to the public actually help us very little. Perhaps it is about time that we tried to help the public understand more clearly what their probation and parole dollars can buy—and what they can't. Perhaps our public releases are going to have to recount some of our failures—and bluntly point out where inadequate resources have meant failure. Sometimes it seems to me that we do not try hard enough to help the public understand the hard facts of life in our field. Then when the press or some unfortunate incident does lift the curtain and show an incident from our seamy side, we are vulnerable—we haven't prepared the public for what inevitably will happen.

In one department that I know, it was not possible to make progress until a fairly large committee of leading citizens was invited to serve as an advisory body. Considerable time and effort were then invested in helping this group think through what could honestly be expected from the then existing resources, and what could not be expected. Reporting categories were developed into which were placed cases needing careful probationary supervision and counseling, but for which appropriate resources did not exist. The citizens committee carried the ball, and over a period of four years the department was almost completely rebuilt. Rather frequently such committees or the rich array of civic groups that want to "do something about delinquency" can help us—if they have a realistic picture of the problem.

Pilot Projects

Honest reporting and public education seem, then, to be one vital necessity. If this is to be carried out, however, we must, ourselves, clarify our own thinking as to what we can and what we cannot do if we are given adequate resources. If the public wants to "do something about delinquency," can we really tell it what we can do? For example, do we have any actual body of knowledge on what an optimum probation or parole caseload is, or do we substitute guesses for facts? To what extent would smaller caseloads prevent recidivism and resultant lifelong criminality and costly institutional care?

I do not wish at this point to delve into the problem of research, but it is obvious that we need to carry out, much more than at present, closely studied experimental projects involving operation with small, controlled caseloads and culminating in their evaluation by research teams. Perhaps this would offer a way of giving the public a rough comparative estimate

of the cost, on one hand, of really adequate service and the cost, on the other, of minimal service with resultant failure to rehabilitate.

In this connection, I hope we will all be watching with care the reports of the Special Intensive Parole Unit operating now under the auspices of the Adult Authority in California. In this interesting experimental program, parolees are given intensive help during the first three months (the crucial period) after their release from the institutions. Parole officers' caseloads during this time are kept down to fifteen. On a recent visit to California, I found considerable confidence that this experiment will "pay off" in dollars and cents as well as in alleviation of human misery.

Throughout the country, we should be developing a series of experimental, demonstration, and research projects calculated to help us evaluate more accurately the potentialities of our own work so that we can give leadership in indicating desirable "next steps" in the probation and parole field.

Interagency Cooperation

Another major need is exploration of the possibilities of cooperative effort with other agencies and institutions.

I remember an interesting but not at all unusual example from my previous work. A seventeen-year-old boy was under the supervision of a probation officer. He was reasonably intelligent and rather likable, but he was getting nowhere. His home life was poor and offered him little security or incentive; he had a record of moderate antisocial behavior; he had not been in school for some time. He had been an active participant in a recreation agency program but was beginning to lose interest. He lacked self-confidence and didn't know how to go about getting a job. He had pretty much given up and was drifting aimlessly and rather hopelessly through life. He felt that society had no place for him.

Preliminary inquiry revealed that there were agencies active on the case that were desirous of helping. The boy's family was receiving financial assistance through one agency. His probation officer, though overwhelmed by an unmanageable caseload, was genuinely interested and eager to help. The recreation agency could give considerable friendly support. As we became familiar with the case and sat down together to consider it, it became obvious that the boy's particular need was employment counseling, training, and placement. Employment could offer him an important channel to successful social functioning and a feeling of self-respect. Fortunately, the agency providing financial assistance to the family had facilities for giving the needed employment help. The only trouble was that it had been primarily concerned with the financial problems of the boy's family and had done nothing about his special problem. The probation officer had been aware of the boy's need but had not known that the other agency was active on the case or had a program that might help. The recreation agency had not known that either of the other agencies was actively interested in the case. In other words, promising means of meeting the boy's problem—important enough to affect his whole future—existed, but communication between the agencies had broken down. As a result the boy drifted into an antisocial adjustment.

No one of us can point the finger of blame at any individual or agency involved in this case. Caseloads so large that it becomes impossible for us to do many of the things that we know

should be done are, in part, at fault. But perhaps even more basic than this is our failure to develop patterns of cooperative endeavor.

In the case just cited, for example, how much more difficult the problem becomes if we endeavor to include in our deliberation the representatives of all the agencies and institutions that represent the concern of the community to problem kid "Johnny Jones" as he is growing up. He truants and is referred to the truant officer. His family needs financial help and is referred to the public welfare agency. He steals and is the concern of a police officer. He drifts into a recreation agency and becomes the concern of a group worker. A representative of the church tries to bring him into the church program. Eventually he may carom, so to speak, from a child guidance clinician to a remedial reading teacher to a family caseworker to a foster parent to a correctional officer. Each of these "specialists" plays his role and sees Johnny through the eyes of his own program—but Johnny is still just one kid, and sometimes a quite bewildered one.

All of the agencies, I am sure, are devoted to the philosophy that one must see and treat the whole person. Most of them are aware, at least in theory, that the child cannot be understood unless he is seen as a part of his family. Most of them, I hope, are also aware that neither he nor the family can be understood apart from the community and society in which they live. Implementation of this belief, however, becomes rather difficult. Many of us speak glibly of the necessity of the church's contribution, but few of us have done any thinking about what the role of the church actually might be. The school complains that the social casework agency or the law enforcement officer sides with the boy against the teacher and expects the teacher, in charge of a group of forty youngsters, to cope with children that the individual treatment agency can't handle on a one-to-one basis. The casework agency or the probation officer complains that the school wants to make problem cases disappear somehow, even if this means institutionalization of children whose problems cannot thus be solved. The probation officer, too, sometimes finds that the social caseworker, impatient with necessary court procedures, dismisses as red tape the legal safeguards developed out of centuries of emphasis on the protection of the rights of man against capricious use of authority. The caseworker complains that the police officer is interested only in the repressive use of authority; the police officer, in turn, frequently finds that the caseworker appears to be unconscious of the necessity of protecting the community against excesses of behavior.[1]

If we approach the problem of the individual with this narrow point of view, it is no wonder that we experience difficulty in producing cooperative effort among the various agencies within our communities charged with meeting various aspects of the needs of our wards. For example, effective counsel-

[1] Furthermore, the public is becoming more aware of and impatient with this continual wrangling, which is not the private intramural affair some of us like to think it is. For example, note the following excerpt from a recent column in a Southern newspaper:

"Captain Seitz made some serious charges, one of them being that some of the social workers or probation officers on the Family Court staff have a tendency to minimize the importance of the police.

"He quoted one social worker as having said to a delinquent, 'Now, I'm not a policeman. I'm here to help you.'"

ing on psychological and social problems or a period of institutional care may help an offender achieve a personal readiness to function as a cooperative member of society. However, the youngster may find himself caught up in his former pattern of antisocial group relations and may be unaware of how he might effectively establish others. He may have no friends save his former street gang and may be without the social graces or ready opportunities to form new ones. He may be without employment and without a niche in society's economic structure. The community may still seem, and may actually *be*, hostile to him. A program of integration into society may involve a good supervised group experience in a neighborhood center, employment counseling and placement, medical care, religious counsel and encouragement to church membership, a carefully planned school program and temporary financial assistance. Foster home or other placement may be indicated.

All such services may exist, but all too often they operate segmentally, according to the nature of their services. We drift into making referrals for immediate help in dealing with particular symptoms instead of tackling the problem of a unified plan of diagnosis and treatment. If we who are charged with assisting in the readjustment of the offender cannot solve this problem, we shall make little progress in drawing upon the total potential pool of community services to meet the total problem with which the offender is confronted.

In spite of interagency and interdisciplinary misunderstandings, we *must* accept the responsibility of seeing the total Johnny functioning in his total environment. It is not enough to ask ourselves, "How can I do my stuff on this case?" It is not even enough to ask, "What can my agency do here?" We must ask, "The total situation considered, what needs to be done? *All* available resources considered, what can be done?"

In reality, the time has passed when we can unite in any one agency even an approximation of all necessary services. Each of us must be aware of the resources afforded by the various disciplines and agencies and must know how they can be made available to the individual with whom we are working. Each of us must be prepared to grant our own limitations and the good faith and competence of others. In addition, we must develop actual techniques for the attainment of coordinated and cooperative endeavor. This represents a major challenge to our professions, to our schools of social work, to our agencies, and to each of us individually.

If our agencies accept this philosophy of cooperative endeavor, certain implementing practices are indicated:

1. Conscious and carefully planned acceptance, as a major obligation, of the development of procedures and the allocation of staff time for securing up-to-date information about the community in which we operate, its needs, and the community changes affecting our clientele.

2. Acceptance, as a basic administrative responsibility, of the development of sound understanding of, lines of communication with, and methods of cooperative endeavor with other agencies.

3. Personnel administration which includes specific emphasis on interagency participation. This would mean:

(a) specific reference to job descriptions;

(b) continuing devotion of supervisory emphasis to this problem;

(c) inclusion in in-service training of carefully developed material on this subject; and

(d) consideration of effectiveness of interagency relationship in staff evaluation.

4. Participation with other agencies in experimental projects on problems of mutual concern.

5. A demand that schools of social work prepare their students to function as members of interagency and interprofessional teams.

In sum, we in the correctional field, as in all social services, are working in a relatively new profession. We are still in the process of developing our own specialized knowledge. We have had relatively little time to develop patterns of cooperative effort. It is not easy to see the whole person as a part of the universal nature of man and his problems. We have not developed philosophers broad enough to do the whole job. We must depend upon the cooperative efforts of many persons. The extent to which we succeed in doing this will depend, first, on our ability to master our own professional field; secondly, on our recognition of our own limitations and the good will and professional competence of persons from other agencies and disciplines; and thirdly, on our development of working methods for implementing cooperative effort.

Our ability to attain these goals will constitute a fairly accurate measure of our own stature as professional persons and as human beings.

All the sweetness and grace which makes life in its happy moments so delectable has its seamy side which cannot be hidden to an all-seeing eye. The effort to make life more decent therefore always involves a struggle against opposing forces. And in this struggle men find hatred, as well as love, tonic emotions. Indeed, we must hate evil if we really love the good. (Undiscriminating love extended to everyone is nonsense.) We must hate evil intensely if we are to fight it successfully, and we cannot hate theft, violence and fraud except when we see it embodied. It is thus impossible not to be indignant against certain criminals, or not to wish to punish them.

—MORRIS RAPHAEL COHEN
Reason and Law

Matching Probation Officer and Delinquent

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CASEWORK procedure in the handling of delinquents on probation generally operates on two assumptions: first, that the youth will be given the benefit of community services made available to him through the activities of the probation officer; and second, that the relationship between the youngster and the probation officer, the interacting of their personalities, will have a positive effect leading to a healthier social adjustment for the youth.

There is considerable evidence that benefit can result from a constructive adult-youth relationship formed for the deliberate purpose of providing the youth with an atmosphere in which he is encouraged to re-orient what has previously been antisocial behavior. On a semiprofessional level such organizations as the Big Brothers operate almost exclusively on this premise.

Maximum success in the first aspect of probation casework procedure—the exploitation of available community resources—occurs when a probation staff is adequately trained and especially cognizant of the various routes along which a delinquent boy may be directed for help. Vigilance must be exercised to see that the probation staff keeps abreast of the developments in community aid programs and stays aware of the various treatment nuances in available facilities; that is, of their likely advantages and disadvantages for given individuals, as well as their special services. Many valuable suggestions along this line pervade the literature on probation.

Less attention, however, has been focused on the second problem, that of deriving the best results possible from the officer-delinquent match. Essentially, the problem springs from the difficulties involved in taking organized account of the seemingly infinite variations of personality types, both of officers and probationers, and then of determining the presumptive outcome of the matching of two of these types, with the added complication of the dynamics of the relationship as it progresses.

Little research appears to have been directed toward resolving the problem of probation matching. One of the most extensive investigations of delinquency control, the well-known Cambridge-Somerville study,[1] made some faltering, intuitive steps along the lines of adequate matching, but never really grappled in an empirical way with the basic problem. Called in

[1] Edwin Powers and Helen Witmer, *An Experiment in the Prevention of Delinquency: The Cambridge-Somerville Youth Study*, New York, Columbia University Press, 1951.

later to analyze the Cambridge-Somerville results, Helen Witmer attempted to remold the study's original experimental design to produce some answers to the matching dilemma, but these answers were, largely because of the nature of the material, rather unsatisfactory.

In the Cambridge-Somerville study, only a few general matching rules were observed. Women counselors, for example, were usually assigned to younger boys, and men sometimes replaced women if the youths appeared to be particularly difficult. Typical probation work operates on about the same principles. In fact, some statutes require that very young boys be dealt with only by women probation officers. In addition, female probationers are almost invariably assigned to women officers. Such broad rules, of course, fail to take into account the particular needs of clients beyond those which they would seem to share with a stereotyped sex-age group. More important, they fail to utilize to the utmost the special abilities of the probation officers themselves.

Further refinement of the matching process in larger urban areas where such a process would be practicable is obviously desirable. The remainder of this paper will not pretend to resolve the problem or to present a complete set of working rules. Rather its purpose is, first, to draw attention to the importance of a matching approach in probation work; and second, to explore some of the avenues leading to a solution of problems involved in matching.

Probation Officers

Professional probation practice is based on recognized casework principles which may be learned from systematic instruction. Leading probation workers stress, however, that academic training must be combined with a personal approach that often seems to border on art. Appointment to probation positions, on the other hand, is essentially based on the applicant's training and knowledge rather than on his personality assets.

The basic assumption must be made that all the members of a probation staff are technically competent and possess, in addition, special, though different, casework attributes. The initial problem then becomes one of determining more precisely the nature of these attributes. We suggest that each member of the staff be classified in a number of seemingly relevant areas, such as (1) identification traits—sex, age[2]; (2) background, experience, and interests; (3) personality traits as determined by a battery of psychological examinations; and (4) expressed interest in various types of clients.[3] Categorized lists of probationers might be drawn up and the worker would choose from these lists the ones that he believes he would like to work with and could help the most.

Probationers

Most probation staffs possess, or will possess, considerable material on the attributes of the clients being handled by them. The problem becomes one of classifying this material in a meaningful way so that handy, workable portraits of delinquent types may be obtained. Probationers can be classified according to the first three

[2] Some youths do very well when the officer represents, by virtue of his age, an acceptable authority figure. Other probationers have considerable difficulty adjusting to persons far beyond themselves in years.

[3] A more elaborate list of important items can be found in John O. Reinemann, "Principles and Practices of Probation," *Federal Probation*, December, 1950, p. 27.

categories outlined for officers. Very important also would be the delinquency pattern that the individual is following, though this item might well be subordinated to the type of person the prospective client is.

Family relationship must also be given a great amount of weight in ascertaining the characteristics of the individual to be handled. If we accept the summary finding of the Gluecks, based on careful research, that the family and parents play a "crucial role . . . in the inculcation of socially acceptable, or antisocial, ideals and habits,"[4] then the shortcomings of family living in each particular case must be carefully charted. We must seek to discover in what way the individual's family appears to be inadequate in satisfying his needs. We must find out whether any members of the family are missing and what the particular deficiencies are of those present. Then, in light of all this information, the critical question may be answered: Which of the probation officers appears to be most likely to stop the delinquency pattern in this youngster's career?

The operation of this process at a beginning level can be illustrated by some recent cases handled at the Tulsa Juvenile Court:

One boy appearing before the court told about his interest in radio. A court caseworker had a similar interest and on this basis, since no other factors appeared which would make the match undesirable, the case was assigned to this worker. Radio became the catalyst which enabled the worker to interact constructively with the boy. A close relationship was quickly formed; it served as a basis for attacking numerous personality problems besetting the youngster.

Another member of the Tulsa staff, it was found, is particularly well equipped to work with hostile, defiant boys. He is relaxed, patient, and easy-going, and he never "pushes" a case.

On the other hand, bad matches can be made if care is not exercised to check carefully the relevant characteristics of both client and caseworker. In one such instance in another city, a young boy was assigned to a male staff worker who, on the surface, appeared quite capable of handling the situation. Early in the case, however, the detention home report referred to the boy's habit of going about the home licking the feet of other boys while they were in bed. When the caseworker learned this, both the act itself and its sexual implications upset him so badly that he became ill. Actually, he would have been a stronger person had he been able to work through his own problem in relation to this case, but on a short-term basis this was not feasible.

The Factor of Timing

One of the major situations undercutting probation matching schemes in various areas relates to the chronology of handling cases. Probation staffs may be told that a certain boy has been apprehended and that the court desires a prehearing investigation. Not until this investigation is well launched will certain important information—facts that may be essential to assigning the boy correctly—be at hand. Meanwhile, which staff member should conduct the prehearing check? And, secondly, will it not represent a loss in efficiency and rapport to reassign the case later?

[4] Sheldon and Eleanor Glueck, testimony before the Subcommittee to Investigate Juvenile Delinquency, Committee of the Judiciary, United States Senate, November 20, 1953, p. 98.

Solution of this dilemma lies in determining as early as possible the major points of information necessary for matching. As Sutherland and Cressey point out, "ideally, experts would always make the diagnosis before the offender is admitted to probation."[5] If this is done, at least a psychologically suitable portrait of the individual will be available before assignment. Information on the boy and his family, as well as on other aspects of his social environment, will have to be elicited from the boy himself, and on the basis of this collected data a logical probation assignment might be made.

The elements to be considered in the match, therefore, must be the kind that can be obtained early and rather easily. Continual follow-ups should be made to determine the precise importance of the information being used to make the assignment and to weigh the validity of other items which might be substituted or added to enhance the worth of the matching program.

The administrative problem of balancing the caseloads so that the most suitable officer is available when his counterpart in casework comes within the staff's jurisdiction can be troublesome. Assignments should be made with the aim of helping those probationers who can benefit from the probation experience, which means avoiding the waste of spending disproportionate amounts of time and talent in noble tries on cases which have a very low predictable outcome of success.

Another difficulty that should be mentioned concerns the length of service that the court anticipates rendering. If the probation period is to be of short duration, the case should be assigned to a worker with whom the probationer will relate quickly and easily. A boy who has a warm, accepting mother and a domineering, firm father will probably develop a fast and positive relationship with a mother-like woman worker. Should there be indications that the case will be of longer duration, however, it would seem advisable, other things being equal, for the same boy to be assigned to a male worker. While rapport will be more difficult to establish, the whole casework process will be more meaningful to the boy if he can be helped to see through the problem that has arisen from the unwholesome "male world" his father represents.

The Process of Evaluation

The value of any matching program and, in fact, of any therapeutic regime, should be established by a systematic evaluation of results. This allows for a constant streamlining of procedure and theory and for an avoidance of error duplication.

Evaluation of matching should proceed along two lines. One approach should be based on an analysis of results obtained in cases completed during a prior period; the other should be based on a study of cases being handled under the matching system.

Past cases should be examined in terms of categories which will be useful in classifying current cases. The analysis should determine which officers had the greatest success with certain types of cases. Then such cases can be funneled to them in the future.

As a last word, it cannot be underlined too strongly that the matching program should never represent an invidious method of competition among staff members. It is pointless to deny that some officers will succeed

[5] Edwin H. Sutherland, *Principles of Criminology*, revised by Donald R. Cressey, fifth edition, Philadelphia, J. B. Lippincott Company, 1955, p. 431.

better than others with practically any type of case. This differential ability will be found in any type of operation. In probation, each officer has something of his own, something particular, to contribute. The aim of the matching program is to make the most intelligent use of each member's abilities. Staff esprit de corps, the abiding interest of each of the staff members in the total success of the office as a unit, is a vital element in achieving maximum results from a matching program.

This article is an attempt to draw attention to the importance of assigning the most suitable officers to cases, a procedure that goes to the roots of probation work. It is not the last word on the subject, and we hope it will stimulate others to contribute their thinking, to criticize and evaluate what we have said here, and perhaps to describe work along the same lines in their departments.

[Readers are urged to send to the NPPA JOURNAL their comments on the classification problems discussed above by Professor Geis and Mr. Woodson. Full-length manuscripts that will explore in detail the issues involved in the proposed matching plan will be particularly welcome.—EDITOR]

The criminal law represents the pathology of civilization. But just as the study of animal pathology has illumined normal physiology, and has been helpful in physical hygiene, or just as the study of insanity has thrown light on mental processes and has been at times somewhat helpful in mental hygiene, so the study of criminality may illumine normal human motives and be helpful in bringing about just and humane social relations. The necessary condition for this study, however, is the most rigorous intellectual integrity, the concentration on seeing the facts as they are, regardless of natural sentimental predilections. We must learn to live in an imperfect world, though we dare not relax the effort to make it better.

—MORRIS RAPHAEL COHEN
Reason and Law

Interoffice Communication

A New Look at an Old Problem

SIDNEY I. DWOSKIN

Supervisor, Group Guidance Section, Los Angeles County Probation Department

"When I returned as Chief Probation Officer of Los Angeles County some three years ago, one of our major problems was that of establishing a real means of communicating with staff members in our various area offices and in our various specialized units. We needed to have frank staff reaction about matters that were troubling them and also be in a position to receive constructive suggestions for improvement in our service.

The Personnel Advisory Committee was set up to help us solve this communications problem. It has been of real value and is becoming more effective as time goes on. This type of operation takes some time but I really think it has tremendous possibilities."

—KARL HOLTON

PRIVATE industry and public administrators recognize the need of communicating with all levels and functions within an agency or department. Students and practitioners in the field of public administration agree that cooperative solving of certain problems and opening of channels of communication result in the gradual improvement of staff morale. With this in mind the Los Angeles County Probation Department initiated the organization of the Personnel Advisory Committee. The members of the committee represent the different functions, interests, levels of operation, and geographical areas of the Los Angeles County Probation Department, and it has been necessary for them to know one another both as co-workers and as people.

Since its inception in October, 1952, the Committee has made considerable progress. A body such as this, in order to do an effective job, must be able to function with considerable confidence, frankness, and genuine spontaneity. However, these qualities are not developed overnight in any group. As the Committee grew it learned to function through several media: direct referral to administration, work of subcommittees, and discussions within the Committee itself.

Department communications of the Committee were developed from the Committee member acting in a liaison capacity. In addition, it uses the department's weekly "Bulletin." Internal communications have been facilitated through periodic department-wide staff meetings.

Much credit goes to administration and to the County Civil Service Consultant for their foresight and encouragement in aiding the Committee to survive the difficult "beginning stages" of its development. The Committee's goal is facilitating a process which makes for greater department effectiveness, in contrast to deciding "who gets the credit for doing what?" It has accomplished a considerable number of things which as finished products have not necessarily been recognized as influenced by the Com-

mittee. The use of the Committee by Probation Officer Karl Holton as a "sounding board" or "pulse" of the department has been effective.

In order for staff, line, and particularly Committee members to have a tool with which to become oriented to the nature and function of the Personnel Advisory Committee, a manual entitled "Plan of Organization and Procedure for the Personnel Advisory Committee" was formulated and distributed throughout the department. The manual is regarded as a *tentative guide* and not as a rigid instrument which might hinder progress.

Nature and Function

The Personnel Advisory Committee is organized to consider "any matter affecting the morale and effective organization of the department or any portion thereof." More specifically, the following general functions are involved:

1. Acts as a sounding board for the probation officer.
2. Helps focus attention on problem areas and suggests possible solutions.
3. Serves as a two-way communication system between probation officer and staff.

Generally, content material handled by the Committee falls into three general categories:

1. Material which needs only to be called to administration's attention.
2. Material probably to be referred to a subcommittee for research and more complete discussion at a later meeting.
3. Material to be dealt with more fully in the current meeting with a view to offering solutions and recommendations.

The above categorization of agenda items has proven to be a great facilitator of the Committee's meetings.

Membership and Organization

The current departmental reorganization and decentralization trend[1] has increased Committee membership from sixteen to twenty-four. The members are from geographical area offices: transcribing; supplies, transportation, and mail; financial, collection, and resources; community services; central adult investigation; forestry camps; El Retiro, placement; files; intake, special services and detention control; senior deputy probation officer level; and director level. Nineteen are selected from below the line of supervision. Included as permanent members are the heads of personnel and research and the Probation Officer.

A semiannual rotation plan affects one-third of the Committee. Generally each member serves a period of eighteen months before being affected by the rotation plan. A person's status on a subcommittee, however, is not affected by his rotation off the Personnel Advisory Committee until termination of his subcommittee's specific project assignment.

To facilitate the operation of the departmental Personnel Advisory Committee, a chairman and recorder were elected on an annual basis. Subcommittees of both a permanent and a temporary nature now exist: Permanent committees fulfill the so-called "housekeeping duties" of the Committee and are concerned with facilitating the over-all functioning of the Committee. Examples of this type of subcommittee are agenda planning and communication subcommittees. Temporary committees exist to meet current needs; upon completing their

[1] The Los Angeles County Probation Department has been expanded from one to nine area offices in an attempt to bring the services closer to the various communities served.

objectives, they are dissolved. Some examples of this type are the committees on planning, parking, fund solicitation, work attitudes and standards, and caseload study. Membership on the subcommittees consists of regular Committee members; however, noncommittee personnel may be used as resource people.

Meetings of the Personnel Advisory Committee take place at least once a month.

Channels of Communications

Minutes of the Personnel Advisory Committee constitute the primary source of communication between the Committee and the total department. This is in addition to five distinct documents used to cover other written matters for communication within the department. Copies of the minutes go to members of the Committee, members of administration, and to each unit supervisor. One copy is intended for the unit bulletin board and one copy for circulation among unit personnel.

Some Examples

The following represents a random sampling of types of situations with which the Committee has been concerned:

Questions regarding vacations and the lack of uniform policy in different parts of the department arose, resulting in a departmental directive which became part of the departmental policy manual making uniform all aspects of vacation. When the problem of too-frequent money drives arose, a subcommittee was appointed which made a department-wide attitudinal study of the problem. Findings were analyzed and reported to administration.

Another area of interest has been clarifying misconceptions on the part of some staff members which pertained to various developments in the reorganization process of the department. Examples of this were use of counselors at camps, recording of overtime, and sources of personnel for trainee programs.

Staff questions on policies covering use and distribution of dictating machines terminated in specific and uniform policies being developed on the part of administration; a question regarding content of personnel files resulted in a departmental policy clarification pointing up availability of the files to individual employees upon proper request; when a Committee member pointed out unsatisfactory attendant service in the women's rest room, satisfactory adjustment was made by securing the cooperation of not only the janitor service but also the employees using the rest room.

The Committee also concerned itself with promotions and transfers. Currently, a significant number of promotional opportunities have been made available and employees have a means of indicating their desires in terms of intradepartmental transfers with highly satisfactory results.

When the effectiveness of the department staff meetings was reviewed by the Committee, Probation Officer Holton requested Committee help in planning for future meetings. A subcommittee reviewed all aspects of department staff meetings and is currently ready to make recommendations to Mr. Holton for future planning.

Areas for Improvement and Some Gains

Some Committee shortcomings found to exist thus far are of special interest inasmuch as they point out areas for improvement. For example,

many line supervisors still feel that the Committee causes line personnel to short-circuit them. Also, communications between employees and the Committee require further implementation before the Committee can operate at maximum efficiency. Keeping personnel apprised of information pertinent to questions raised is in need of improvement.

As the Committee becomes better known in the department, confidence in what it stands for has increased. More and more individuals have been given opportunities to indicate their interests and abilities by actual participation. The Probation Officer has been in a position to have a more accurate feel of the "pulse" of the department and communications on the horizontal as well as vertical levels have been improved.

Conclusion

This brief description has been an attempt to show how the chief of one of the largest public departments of its kind has introduced a technique which it is hoped will pay real dividends to the clients served, employees, administration, the Board of Supervisors, and the taxpayers. Perhaps other departments and services in the correctional field have used this technique. If not, it may be worth their while to take "a new look at an old problem."

It is no accomplishment for courts to interfere in the lives of people and then, because of lack of staff and facilities, to proceed to substitute court neglect for the neglect of parents and community.

—ROBERT F. WAGNER

The ultimate aim of your varied duties is not only to keep people out of our state prisons but to insure their staying out. Your work is done only when they have become adjusted and useful citizens.

—AVERELL HARRIMAN

Letters to the Editor

On Reading and Delinquency

October 6, 1955

TO THE EDITOR:

Just as there are wide differences in the psychological etiology of individual delinquent behaviorisms, so are there wide differences in the kinds of delinquent problems from community to community. In some sections of the country large gang delinquencies are most frequent; in other sections small nonformal groupings and lone wolves compose the delinquent population.

Taking these differences into consideration one could still question certain of the propositions put foward in "Reading Retardation and Delinquency," by M. Roman, et al., in the July 1955 issue of the NPPA JOURNAL. It seems that several statistical, logical, and factual inferences were made in this article which are not consistent with a rounded knowledge of personality dynamics and reading programs.

By cautious implication, the authors attempt to establish a causal relationship in a "triad pattern: reading-retardation, truancy, delinquency." Although they restate this implication as a research hypothesis, no later statement is made as to whether their findings support or discount the implied relationship. At the end of the article, "reading retardation" is changed into "learning difficulties" and a causal relationship is stated between this and "a well-established pattern of truancy and subsequent delinquency."

In regard to the last point above, the term "learning difficulties" is in no way semantically or practically equivalent to "reading retardation." "Learning difficulties" is a categorical term under which reading retardation is just one manifest symptom. Etiologically, learning difficulties may develop from poor intellectual endowment, physical handicaps, emotional disturbance, etc. Learning difficulties on the symptomatic level may involve reading problems, arithmetic problems, poor concentration, etc.

In developing the central statistical logic for this hypothesis, rather vague definitions of criteria for "reading retardation" were apparently used. Thus, in establishing their initial hypothesis, the authors state that "it was found that 76 per cent [about three-fourths] of the children screened for educational problems were retarded at least two years in reading; for over half of this group [more than three-eighths], the disability amounted to five years or more." Since the group which had a "disability" amounting to "five years or more" constitutes only approximately three-eighths of the entire sample (of unstated size in the statistical universe), the other three-eighths were retarded from two to five years in reading. Taking this latter group first, we find that by assuming their "reading retardation" is a "mental age" equivalent, the IQ's represented would be between 91 and 70. It is conceivable that three-eighths of a group of delinquent children would have IQ's in this range and thus *not* be true reading disability cases since they would be reading at their mental-age

grade expectancy. In the other three-eighths might be more of the true disability cases or possibly also more pronounced mentally handicapped children. By not providing this data on mental-age grade expectancy and reading level the authors cripple the proof of their major hypothesis.

My personal opinion, based upon our consulting work with juvenile courts, is that many of the true reading problems that might be found among delinquent children are consequences of their inability to form constructive relationships with teachers because of their early life experiences in the home. In this respect the authors and I apparently find some measure of agreement.

William Blau
Associate Director, Psychological Service Associates, Gary, Ind.

When I say a thing is true, I mean that I can't help believing it.

—Justice Oliver Wendell Holmes

News & Notes

Twenty-six years of service to more than 68,000 children and 22,000 adults were celebrated at an honorary dinner for Judge George W. Smyth, given on December 19 by the Board of Trustees of the National Probation and Parole Association. The occasion marked the NPPA president's retirement as judge of the Westchester County (N. Y.) Children's Court, where he had served continuously since first elected to the position on January 1, 1930.

The dinner, held at the New York Athletic Club, was attended by members of the Board of Trustees, members of the New York State bench and bar, and relatives and friends of Judge Smyth. Presiding was William Dean Embree, vice president of NPPA. Speakers included Mr. Embree; Joseph P. Murphy; Hon. John Warren Hill, Presiding Justice of the Domestic Relations Court of the City of New York; Hon. Albert Conway, Chief Judge of the Court of Appeals of the State of New York; Mrs. Caroline Simon; and Rev. George F. Kemsell, of the Church of St. James the Less, Scarsdale, N. Y.

On behalf of the Board of Trustees, Mrs. Simon presented Judge Smyth with an engraved bronze desk set as a token of the Board's recognition of his contribution to juvenile court progress and its good wishes for his continued service as president of the Association and chairman of the Board.

Judge Smyth was admitted to the bar in 1906, after earning his way through law school by working as a recreation leader in the New York City slums. He settled in Westchester County in 1913 and was a member of the Board of Supervisors from 1927 to 1929. His inspiring work as chairman of the Supervisors' Committee on Social Welfare led to his nomination for the Children's Court judgeship. One of his first acts as judge was to appoint William J. Harper head of the county probation department. Under their leadership, the Westchester County Children's Court and probation department became recognized as one of the best in the country.

Perhaps the finest tribute to Judge Smyth's work is expressed by the fact that during his years of service in the court, the juvenile delinquency rate in Westchester County decreased 25 per cent.

On January 1, Judge Smyth resumed general law practice, with offices in White Plains and Mount Vernon.

Conferences

National Conference on Parole
Washington, D.C.
April 9–11, 1956

The first of its kind since 1939, this conference has been called by the Attorney General of the United States in cooperation with the National Probation and Parole Association and the United States Board of Parole. Its objectives are:

1. To evaluate existing parole standards and practices.

2. To promulgate and publish a working manual and guide material on parole principles and practices which would be of practical value to parole officials and individuals and groups concerned with the operation of parole.

3. To focus nation-wide attention on the importance of parole in the control of crime and delinquency.

The conference, to be financed by the National Probation and Parole Association through foundation support, will hold its meetings in the Departmental Auditorium (between 8th and 9th Streets); headquarters will be the Hotel Raleigh.

The governor of each state will designate three official voting delegates to the conference; each U.S. territory will also send three such delegates. Fifty delegates-at-large with voting rights will be designated by the three sponsors—twenty-five by NPPA and twenty-five by the Attorney General and the parole board. In addition, in each state, invitations to attend are being extended to fifteen delegates-at-large, representatives of related agencies, the bench, the bar, civic organizations, and laymen with demonstrated interest in parole.

The proposed guide materials on parole principles and standards which have been prepared by the NPPA Advisory Council on Parole will be used as working documents for conference section and assembly meetings, which will review and evaluate current principles and practices. It is hoped that the publication on parole standards resulting from the conference will represent the best thinking and practices in the field of parole nationally.

The Attorney General and the NPPA each appointed three members to the joint committee to plan the conference. Chairman of the Planning Committee is Scovel Richardson, chairman of the United States Board of Parole. Other members are: William P. Rogers, Deputy Attorney General of the United States; George J. Reed, Chief, Youth Division, United States Board of Parole; Charles P. Chew, Chairman, Virginia Parole Board; G. I. Giardini, Superintendent of Parole Supervision, Pennsylvania; and Russell G. Oswald, Commissioner, Department of Correction, Massachusetts. Executive secretary is Milton Rector, NPPA assistant director.

If they leave Washington in a hurry (almost everyone does these days) at the close of the conference and catch a late afternoon plane or train for New York, the participants will be able to attend the Wednesday night general session opening the National-Regional Conference (see below).

National-Regional Conference
Hotel Statler, New York City
April 11–14, 1956

In addition to the National Probation and Parole Association, sponsors of the conference this year are the Middle Atlantic States Conference of Correction and the New York State Conference on Probation.

Elton Smith, assistant superintendent of parole supervision in Pennsylvania and president of the Middle Atlantic States Conference of Correction, is general conference chairman. Committees and chairmen are as follows: arrangements, John F. Kreppein, Chief Probation Officer, Queens County Probation Office, New York; banquet, Hon. Thomas J. McHugh, Commissioner, New York State Department of Corrections; finance, Albert C. Wagner, Superintendent, New Jersey State Reformatory; luncheon, Clarence M. Leeds, Chief Probation Officer, New York City Court of Domestic Relations; program, Hon. Alfred R. Loos, Commissioner, New York State Board of Parole; reception, Edmond FitzGerald, Chief Probation Officer, Kings County Probation Office, New York; registration, Mrs. Mary K. Rogers, Administrative Assistant, Maryland State Parole Board; and women's activities, Mrs.

Margaret U. Roe, Queens County Probation Office, New York.

The format of the program follows in general the successful pattern set by the two previous national-regional conferences (Swampscott, Mass., 1954; Saint Paul, Minn., 1955). There will be four general sessions, and twenty roundtable discussion sessions on specific problems confronting different correctional groups—juvenile court workers, juvenile detention staffs, training schools personnel, custodial officers, adult probation and parole officers, probation administrators, parole board members, rural probation officers, etc.

Preliminary programs will be distributed about the middle of February.

Southern States Probation and Parole Conference
Lord Baltimore Hotel, Baltimore, Maryland
April 15–17, 1956

For information on reservations and program, write to Frank A. Grant, 4711 Harry Hines Blvd., Dallas, Texas.

National Conference of Social Work
St. Louis, Missouri
May 20–25, 1956

NPPA will conduct two sessions at the conference. For information about registration and hotel reservations, write to National Conference of Social Work, 22 West Gay St., Columbus 15, Ohio.

International Conference of Social Work
Munich, Germany
August 5–10, 1956

Over 2,000 social workers and persons in related fields from at least fifty countries are expected to attend the conference, which will be the eighth held by the organization since it was established in 1924. Copies of the preliminary program and information on study tours and low-cost group travel for those planning to attend may be obtained from The U. S. Committee of the International Conference of Social Work, Room 300, 345 East 46 St., New York 17, N. Y.

Congress of Correction
Los Angeles, California
August 26–31, 1956

For information on reservations and program, write to E. R. Cass, General Secretary, American Correctional Association, 135 East 15 St., New York 3, N.Y.

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The problem of juvenile delinquency is discussed on a global basis in *International Review of Criminal Policy, No. 7–8*, a 184-page report prepared for the first UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND TREATMENT OF OFFENDERS, held in Geneva from August 22 to September 3, 1955. The purpose of the study (obtainable from the Columbia University Press, 2960 Broadway, New York 27, N.Y.) is to review current thinking on the problem of juvenile delinquency, with emphasis on evaluation of preventive programs. The study reveals that delinquency is increasing in some industrialized countries despite the emphasis on preventive programs, all of which appear to be experimental.

The study also deals with the role of the state, the community, the police, and the social services, as well as the role of courts and treatment measures.

The findings brought out that juvenile delinquency is slight or nonexistent in areas where the family is the center of community life. Although measures to strengthen the family may differ from country to country, according to national needs, interests, and traditions, every country can combat delinquency

through programs aimed at helping the child adjust to the society in which he lives.

The school is in a unique position to prevent delinquency since it is one of the best places to detect delinquent tendencies. Schools, therefore, should develop social and psychological services to help detect and treat children with behavior problems. Teachers should be carefully selected, specially trained, and properly paid. Education courses and school architecture should be brought more in line with the new social role assigned to schools.

The study reports that in the Middle East, Asia, and the Far East—where the whipping of juvenile offenders is still permitted in certain countries—the trend now is away from the principles of punishment and retribution. In some other countries—Germany and the United Kingdom, for example—recent legislation indicates a trend toward a more severe policy in dealing with juveniles. In India, the Madras Children's Bill of 1950 empowers the court to inflict "any punishment which is permissible for a parent to inflict."

The term "juvenile delinquent" should be restricted, the report says, because the label reduces a youth's chances of rehabilitation. The term should apply only to those who have actually committed a criminal offense. The report also cites the need for a special authority in each country to coordinate policies, programs, and statistics dealing with the prevention of juvenile delinquency.

Significant implications for correctional work are to be found in an address delivered by Professor E. Lowell Kelly, of the University of Michigan, at the conference of the AMERICAN PSYCHOLOGICAL ASSOCIATION in San Francisco last September. Dr. Kelly presented data showing that the idea that adults do not change in personality—one of the most widely held opinions in virtually all schools of psychology and common in the public mind—does not stand up under close investigation. His evidence is based on retests of 176 men and 192 women twenty years after the first tests. Changes in their personality, he said, were relatively slow and undramatic, but some were highly surprising and significant. "To the degree that psychology can develop techniques for predicting the magnitude and direction of change in individual personalities," he declared, "we should become more effective in the long-term prediction of vocational, marital, and emotional adjustment."

At other meetings of the psychologists' convention:

1. Professor Neil D. Warren, of the University of Southern California, urged psychologists to stop showing "disdain for applied research," and advised them to get rid of jargon if they want to be of use to the people for whom they are working.

2. A Harvard group of researchers—Eleanor E. Maccoby, Harry Levin, and Bruce M. Selya—told the conference about their efforts to find out whether movie and television programs showing violence had an effect on juvenile delinquency. Seeking to test a theory that violent scenes had a greater effect on the viewer if he already had a feeling of hostility or aggression, they divided sixth-grade students into two groups, and put them through a spelling bee. They deliberately made one group angry by giving it ninth-grade words. Then both groups were shown movie thrillers featuring scenes of violence. A week later the children were questioned. Those who had not been frustrated in the spelling bee remem-

bered the total movie content better than those who had been emotionally upset. But the frustrated spellers had a more detailed recollection of the aggressive scenes.

3. Dr. Karl M. Bowman, medical superintendent of the Langley Porter Clinic in San Francisco, stated that methods for dealing with growing numbers of alcoholics were ineffective. He stated that of seventy million users of alcohol in this country, five million drink to excess at times and that, of these, one million are alcohol addicts. "Alcoholism is apparently on the increase," he reported, "more so among women than among men. Alcohol is a narcotic drug and should be considered along with other narcotics, such as opium. It is the cause of more crime—particularly crimes of violence—more serious automobile accidents, and more suffering and misery, in our country at least, than all other narcotic drugs put together."

4. Dr. Alexander C. Rosen, staff psychiatrist of the Contra Costa County (Calif.) probation department, was chairman of the conference session on juvenile delinquency. Several sources indicated, he said, that 80 to 85 per cent of the children coming to the attention of the courts did not later become serious offenders as adults, but he confessed that the best he could do was voice the hope that what the psychologists, psychiatrists, and caseworkers were doing in the delinquency field "makes a difference." He estimated that children involved in law violations in 1955 would total 1,250,000 and said that one of the chief problems was to determine which children were likely to become delinquent. Consensus at the session was that methods for predicting delinquency fell far short of the need.

Dr. Brian Bird, associate professor of psychiatry at Western Reserve University, Cleveland, told delegates at the winter meeting of the AMERICAN PSYCHOANALYTIC ASSOCIATION in New York City on December 2 that children often commit delinquent acts to please their parents. A delinquent child, he said, thus carries on acts that the parents themselves would like to do but do not dare; a parent may unconsciously bring about in his child the behavior he consciously tries to prevent. (See Adelaide M. Johnson, M.D. and S. A. Szurek, M.D., "Parental Sanction of Delinquency," FOCUS, March, 1955, pp. 44–49.)

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The Department of Defense has cancelled its enlistment policy that required a youthful offender or juvenile delinquent to wait six months before being eligible for enlistment in the armed services.

The new policy (Department of Defense Directive No. 1304.6, dated August 3, 1955) is two-fold. First, it states that an applicant for service "is to be judged as to his fitness for the armed services by his character as of the time of his application for enlistment." He will be specifically questioned and must sign a written statement as to whether he has any type of juvenile or youthful offender record. "If he admits such a record, or if he does not admit one and the enlisting agency has reason to believe such a record does exist, enlistment action will be held in abeyance pending a complete investigation of the facts in the case." Contact will be made with the civil authorities for "information as to the applicant's character and rehabilitation, the actual offenses committed, circumstances in the case, disposition by the courts, actual confinement

served and whether any form of civil restraint still exists." Evaluation of the court and its probation officer will be an important consideration. "Where civil authorities refuse to furnish information, the enlistment will be held in abeyance and the applicant advised that the burden of obtaining and furnishing the information is upon him." If civil restraint no longer exists and if the applicant appears to be satisfactorily rehabilitated and otherwise qualified for service, he may be accepted. If, however, rehabilitation has not been satisfactory or if he is morally unacceptable for military service, he shall be rejected on these grounds and not because he was adjudged a youthful offender or juvenile delinquent.

Secondly, the directive concerns the discovery, subsequent to enlistment, that an enlistee denied a court record. In such an instance all facts in the case will be fully investigated and the man will be afforded the privilege of making an explanatory statement. If, after a thorough examination and evaluation of all factors, including the military service rendered by the enlistee since enlistment, a discharge is deemed proper, it will be for "unsuitability under honorable conditions unless circumstances are such as to warrant a lower type discharge."

By recommendation of the temporary Commission on Children, the Tennessee legislature has created the permanent Tennessee Commission on Youth Guidance. It is a nine-man Commission with a paid staff and executive director and is not directly connected with any one department within the state government. Its functions are advising, research, establishing standards, and providing help and consultation in all matters affecting the welfare of youth.

The Charlton School at Ballston Lake, N.Y., reactivated after eighteen years, is now ready to accept girls between the ages of ten and fifteen whose problems cannot be handled within their own community. Referrals are by courts, county departments of public welfare, and private agencies. Present capacity is twenty-two. The plan of services includes (1) a full-time trained social worker available for consultation with referring agencies regarding admission, adjustment of children, and plans for discharges; (2) a visiting psychiatrist and a visiting psychologist; (3) two housemothers, one for each separate unit of eleven girls; (4) a visiting nurse, and a local physician on call at all times. The school accepts children of all faiths and of all races. Superintendent is Roland J. Huddleston.

The first annual meeting of the newly organized Institute for Research on Crime and Delinquency was held on November 5 in New York City. The institute, composed of sociologists, criminologists, psychiatrists, and social workers, believes that many attempts at prevention and rehabilitation are ineffectual because available knowledge is inadequate, and therefore proposes "to undertake basic research and to advance the scientific understanding of crime and delinquency with a view to providing a more adequate theoretical basis for practical attempts at treatment and control." Its specific objectives are "to carry out special research projects and inquiries for public bodies, as well as for citizens committees and other voluntary organizations," and "to provide opportunities, primarily through seminars, conferences, and publications, for the systematic exchange among specialists of research findings relating to crime

and delinquency, and for the public interpretation and dissemination of such information."

Dr. Nicholaas Pansegrouw, of the sociology department at Columbia University, is executive director of the institute. Appointed to the institute's board of trustees were the following: Sanford Bates, James V. Bennett, Dr. Viola Bernard, George H. Grosser, Kenneth D. Johnson, Lloyd Ohlin, Dr. Winfred Overholser, Morris Ploscowe, Dr. David M. Rioch, Mrs. Sophia M. Robison, Ernest Schachtel, Thorsten Sellin, G. Howland Shaw, Mrs. Elliot Studt, Frank Tannenbaum, Paul W. Tappan, and Helen L. Witmer.

"Systematic exchange among specialists" is also provided for in two new magazines in the professional market:

1. *Archives of Criminal Psychodynamics* (Station L, Washington 2, D.C.; quarterly, $10 a year; editor, Dr. Ben Karpman). "A cooperative enterprise devoted to the encouragement of research in the field of criminal behavior, the interpretation of its psychodynamics, the promotion of superior legal understanding of the criminal in relation to society, and a more humane consideration of the criminal as an individual."

2. *The Journal of Social Therapy* (927 Fifth Avenue, New York 21, N.Y.; quarterly, $4 a year; editor, Dr. Ralph S. Banay). Official publication of the Medical Correctional Association; basic aim is to provide a forum for "all those especially concerned with or interested in the medical aspects of crime."

According to *Family Relations and Delinquency*, a 285-page report released last October by Washington State College and prepared by F. Ivan Nye, director, and Erdwin H. Pfuhl, Jr., research assistant, of the college's Sociological Research Laboratory:

1. Delinquent behavior is spread about equally among all socio-economic classes.

2. "An association exists between regular church attendance by fathers and mothers [and teen-age children] and least delinquent behavior in both boys and girls," but pre-school religious training has little effect as far as delinquency is concerned.

3. The axiom that the "first six years are all important" is challenged, no significant difference having been found between homes broken by death or divorce during the first six years of a child's life and homes broken later.

4. A high rate of delinquency is found in the home where the *parent is rejected* by the child—that is, regarded with indifference, dislike, or disrespect.

5. Delinquency is higher in homes where punishment is not fair, not explained, or promised but not delivered.

6. Least delinquency is found in homes where adolescents are given a large amount of (but not total) responsibility, as distinct from complete freedom of movement.

These findings and others of a similar nature are based on data collected from 3,150 high-school students in Kennewick, Pasco, and Richland. The report is the first section of an extensive survey, called the *Tri-City Study*.

A special clinic to determine scientifically why many children are reading far below their grade level was established by the Board of Education in New York City on November 10. The project was recommended in the juvenile delinquency report of Deputy Mayor Henry Epstein last May. (See NPPA JOURNAL, July, 1955, pp. 1–19, 24, 82–83.)

The Westchester County (N.Y.) Women's Council of the National Probation and Parole Association was formally organized on December 7 at a meeting in White Plains by representatives of various women's groups of the county. Henrietta Additon, superintendent of Westfield State Farm, presided as chairman. Mrs. A. G. Whyte, Jr., of Chappaqua, will head an organizing committee of the Council, which is the pilot group in an endeavor to form an NPPA National Women's Council. Plans for this were set in motion last spring when representatives of forty women's organizations met with NPPA officers to discuss an action program attacking the growth of crime (see FOCUS, March, 1955, pp. 59–60).

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Walter A. Gordon, chairman of the California Adult Authority since 1945, has resigned to accept appointment as governor of the Virgin Islands. Commenting on Mr. Gordon's administration of the parole system, Austin MacCormick, professor of criminology at Berkeley and himself one of the nation's outstanding penologists, said: "Walter Gordon has led in pioneering one of the most significant developments in correctional history." Ervis W. Lester, member of the California Adult Authority, has been appointed as Mr. Gordon's successor.

Russell G. Oswald resigned as director of the Division of Corrections in Wisconsin to become commissioner of the Massachusetts Department of Correction on November 1, 1955. His appointment came as the result of a reorganization of the Massachusetts department following a survey of the penal system there last year. The Wisconsin position left vacant by his resignation has been filled by Sanger Powers, formerly warden of the Green Bay State Reformatory.

Gordon S. Jaeck resigned as chairman of the State Parole Commission in Minnesota, effective September 15, 1955, to accept a position as associate professor on the faculty of Wheaton College, Illinois.

On April 1, Thomas R. Jones, chief of police in Minneapolis, will assume the position left vacant by Mr. Jaeck's resignation. Don E. MacFarlane, supervisor of the Juvenile Department of the Hennepin County Court Services and a former president of the Minnesota State Probation and Parole Officers Association, will serve as acting chairman until Mr. Jones takes office.

Effective November 1, Quentin L. Ferm, director of the Bureau of Probation and Parole of the Wisconsin Division of Corrections, and George J. Reed, Chairman, Youth Division of the United States Board of Parole, were appointed to the NPPA Advisory Council on Parole. They replace Gordon Jaeck (see above) and Robert Smith, who left the parole field to become deputy warden in the Vermont State Prison. Charles Chew was elected chairman of the Council.

William J. Harper, past chairman of the NPPA Professional Council and for more than a quarter century the director of probation in Westchester County, New York, resigned his position September 10, 1955 because of poor health. He was appointed probation chief on February 1, 1930, when the position was first created.

Ray Reager succeeded Mr. Harper as director of probation on September 16, 1955. At the time of his appointment he was working as consultant for

the Temporary State Commission on Youth and Delinquency (Watson Commission). Previously Mr. Reager had served as director of research for the New York State Youth Commission and as probation examiner for the New York State Division of Probation.

Alton H. Cowan has been appointed director of Connecticut's new adult probation system, which went into effect on January 1. Mr. Cowan comes to his new post with a background of eighteen years of highly regarded probation work in Michigan.

Theodore F. Bruno has been appointed by Governor LeRoy Collins of Florida to serve as the first judge of the now separate and distinct juvenile court of Escambia County (Pensacola). The judgeship will be an elective position beginning in November, 1956.

Edmund G. Burbank, formerly on the faculty of the University of Pennsylvania School of Social Work and, for the last three years, executive secretary of the Pennsylvania Prison Society and editor of *The Prison Journal*, has been appointed chief probation officer of the Allegheny County Criminal Court. His appointment became effective January 1, 1956. Mr. Burbank is a member of the NPPA Editorial Advisory Board.

Donald S. Leonard, Detroit police commissioner, has been appointed chairman of a committee of the International Association of Chiefs of Police cooperating with the American Bar Association in the ABA survey of the administration of criminal justice. Other members of the committee are police chiefs Bernard C. Brannon (Kansas City, Mo.), Stephen P. Kennedy (New York City), W. H. Parker (Los Angeles), and Stanley R. Schrotel (Cincinnati). (For other committees working on the survey, see NPPA JOURNAL, October, 1955, pp. 174–175.)

Bernard M. Troje, administrative assistant of the Ramsey County (Saint Paul) probation department, has been granted a one-year leave of absence, effective January 1, 1956, to serve as executive secretary of the City and County Detention and Workhouse Commission.

Gertrude Folks Zimand, after thirty-nine years of service with the National Child Labor Committee, announced her retirement on October 27, 1955. For the past twelve years Mrs. Zimand was the organization's chief executive and held the title of general secretary. Her previous titles were field investigator, editor, and research director.

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Mrs. Sidney C. Borg

Mrs. Sidney C. Borg, chairman of the Executive Committee of the Board of Trustees of the National Probation and Parole Association, died on January 9. She was 77 years old. The New York *Times* account of her death noted that Mrs. Borg had been "indefatigible in her devotion to problems of welfare, especially the cure and prevention of juvenile delinquency," and that she had been "a leader for more than fifty years in virtually every aspect of the public good." The following is the *Times* editorial on Mrs. Borg:

> Mrs. Borg was extraordinary for the breadth of her interests, and the news account yesterday that told of her death did not exaggerate when it said that she "was a leader for more than fifty years in

virtually every aspect of the public good." Among these interests were her religion and its philanthropic and social welfare activities, the problems of youth, education, probation, parole, the courts, health, hospitals, parks, clean streets, racial and religious discrimination, good government, politics, innumerable charities, trusteeships in various foundations, many civic organizations, and the arts. She kept herself young by accepting the challenge to battle as a new day produced new problems that required informed leadership, but she did not abandon her enthusiasm for the old problems that we have always with us. So the New York community has lost a citizen of great usefulness, but this usefulness continues through the many organizations and institutions to which her life and work were a strengthening inspiration.

Frank T. Flynn

Professor Frank T. Flynn, an outstanding contributor to the field of professional education for correctional work and an authority on penology and juvenile delinquency, died of a heart attack in Chicago on January 11. He was 47 years old. Professor Flynn had taught at the School of Social Service Administration of the University of Chicago since 1947 and previously headed the Division of Social Work at the University of Notre Dame. He was associate director of the University of Chicago Center for Education and Research in Corrections, a member of the Board of the Illinois Academy of Criminology, consultant to the Division of Corrections of the Wisconsin Department of Public Welfare, consultant to the federal Probation Training School in Chicago, and a member of the Professional Council of the National Probation and Parole Association. Professor Flynn is co-author, with Professor Herbert Bloch, of *Delinquency: The Juvenile Offender in America Today*, to be published by Random House this spring.

Dr. Louis H. Cohen

Dr. Louis H. Cohen, psychiatrist, expert on legal psychiatry, and nationally known as co-author of *Murder, Madness and the Law*, died at his home near New Haven, Conn., on December 30. He was 49 years old.

David C. Meck

David C. Meck, judge of the Cleveland Municipal Court and member of the Criminal Courts Section of the NPPA Advisory Council of Judges since its organization in 1953, died of a heart condition on October 22, 1955. His age was 49.

J. Stanley Sheppard

J. Stanley Sheppard, retired Salvation Army executive and former president of the American Prison Association, died on August 19, 1955, after a long illness. He was 63 years old. He had conducted monthly services at Sing Sing Prison for thirty years prior to his retirement in 1951.

Bruce Smith

Bruce Smith, 63, criminologist and director of the Institute of Public Administration, died on September 18, 1955 of a heart attack. He had been known since 1914 as an authority on police methods and administration and, at the request of local and state governments, had revised police systems in many communities throughout the country. Mr. Smith was working on surveys for Michigan and Connecticut when he was taken ill. He was the author of several books on police

methods, the best known being *Police Systems in the United States.*

August Vollmer

August Vollmer, 79, known as the father of modern police science, shot and killed himself on November 4, 1955 at his home in Berkeley, Calif. He had been suffering from a painful illness. As a result of his work in the Berkeley police department in the early years of the century, he was asked to reorganize police departments in many other cities. After his retirement as police chief in 1932, he became professor of criminology at the University of California, a position he held until 1937.

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Wanted

1. From caseworkers and supervisors: manuscripts *demonstrating the use of casework* in probation or parole. Please send your manuscript to Editor, NPPA JOURNAL.

2. From persons who have ideas about changes that should be made in the *Standard Juvenile Court Act* (1949), now being revised by a special NPPA committee: your specific suggestions, along with your comments. Please send them to Sol Rubin, Counsel, NPPA, 1790 Broadway, New York 19.

3. From persons in probation or parole departments, schools of social work, university departments of sociology or criminology, etc.: *abstracts of current or completed studies, theses, or dissertations* concerned with probation, parole, detention, juvenile courts, juvenile delinquency, criminal courts, family courts, etc. The abstract should not exceed three typewritten (double spaced) pages and should cover (1) purposes and scope of the study, the auspices, and the financing, if any; (2) principal hypotheses or plan of investigation; (3) setting and method. Abstracts of completed studies should also include (4) major findings; and (5) implications, and recommendations, if any. Please send abstracts to Editor, NPPA JOURNAL.

Employment Opportunities

Belmont, California

Assistant Probation Officer (man), adult division; *Assistant Probation Officers* (2 men, 2 women), juvenile division; San Mateo County probation department. Bachelor's degree and (a) 1 year in graduate school of social work; or (b) 1 year paid experience in probation. Must be under 45 if no previous experience in correction. California auto license required. $4,212 to $5,892.

Assistant Probation Officer (woman), for research work in conjunction with Community Research Associates project in San Mateo County, including intensive work with caseload of 25 for 2 years; continuing job of same nature a probability after the end of the project. Master's degree in social work, and preferably 2 or 3 years paid experience under supervision. $4,704 to $5,892.

Write John S. Cowgill, Chief Probation Officer, Box 35, Belmont, Calif.

San Diego, California

Group Counselor I, at Juvenile Hall; women especially urged to apply (Examination No. 2997). Bachelor's degree with 12 semester units of psychology or sociology, or combination of 18 semester units in psychology, sociology and/or criminology. College seniors eligible within two months prior to completion of studies. California auto license required. $3,552 to $4,320.

Group Counselors II (women), in charge of two or more counselors, San Diego County detention facility (Examination No. 3006). Bachelor's degree and (a) 1 year paid experience in casework or group work in probation, or (b) 18 months paid experience in professional casework or group work with problem children, neglected children, or adult offenders; or (c) 1 year at graduate school of social work. Must be under 55. California license required. $3,924 to $4,764.

Assistant Probation Officers, adult and juvenile divisions, county probation department (Examination No. 3026). Bachelor's degree and (a) 1 year probation casework; or (b) 18 months casework with problem or neglected children or adult offenders; or (c) 1 year graduate social work study plus 6 months experience; or (d) master's degree in social work or criminology. California auto license required. $4,320 to $5,256.

Write Clayton G. Swanson, Department of Civil Service and Personnel, Room 402, Civic Center, San Diego 1, Calif.

San Rafael, California

Deputy Probation Officers, juvenile and adult divisions, Marin County probation department. Bachelor's degree; 1 year graduate study if no previous experience in welfare or correction. Must be under 45. California auto license required. $4,092 to $5,112, plus monthly car allowance. Write Walter H. Busher, Probation Officer, 1029 Fourth Street, San Rafael, Calif.

Wilmington, Delaware

Probation Officers, in family court having jurisdiction over dependent, neglected, and delinquent children, and offenses involving domestic relations. Master's degree in social work. $3,600 to $4,700. Write Director, Family Court, Public Building, Wilmington, Del.

Indianapolis, Indiana

Caseworker, Marion County Juvenile Center. Supervise graduate social work students and help develop program. Master's degree in social work and 1 year experience. $4,440.

Caseworker, detention home. Bachelor's degree and 1 year graduate social work training or 2 years social work experience with children. $3,880.

Write J. Martin Poland, Superintendent, Marion County Juvenile Center, 2401 N. Keystone Ave., Indianapolis 18, Ind.

Grand Rapids, Michigan

Superintendent of Detention Home, $6,000; *Supervisor of Field Service*, $5,500; and *Intake Supervisor*, $5,000; for Kent County Juvenile Court. Write Veryl N. Meyers, Personnel Chairman, 908 Michigan National Bank Bldg., Grand Rapids 2, Mich.

Pontiac, Michigan

Child Welfare Workers (men), Oakland County juvenile court. Bachelor's degree; 2 years social work experience. $4,212 to $4,784. Write James W. Hunt, Director, Children's Services, Oakland County Juvenile Court, Pontiac 15, Mich.

Minnesota

Classification Officer, State Reformatory for Men, St. Cloud. Bachelor's degree, and 1 year graduate work including criminology or penology courses; experience in classification work in a modern rehabilitation program. $5,160 to $5,880. Write Minnesota Civil Service Department, State Office Bldg., St. Paul 1, Minn.

Minneapolis, Minnesota

Superintendent, Hennepin County Home School for Boys—training school for about 120 delinquents, Master's degree in social work, plus 8 years social work experience (including 2 years institutional work and 3 years as supervisor or executive). Salary to be determined; full maintenance for superintendent and family. Write to Paul W. Keve, Director of Court Services, Room 22, Court House, Minneapolis, Minn.

St. Louis, Missouri

Executive Secretary, for Metropolitan Youth Commission, established by the City and County of St. Louis for prevention and control of juvenile delinquency. Two years graduate training required, including at least one of the following specializations: education, social work, recreation, health, social sciences; at least 6 years consultative, administrative, and community organization work involving services and activities for children and youth in agency or agencies maintaining acceptable standards. $10,000. Appointment about April 1. Write Rudolph T. Danstedt, Executive Director, Social Planning Council of St. Louis and St. Louis County, 505 North 7th Street, St. Louis, 1, Mo.

Newark, New Jersey

Social Group Worker, Essex County detention home. Master's degree in social work, with group work sequence and 1 year paid professional experience. $4,120 to $5,360. Write Mrs. DeEtta S. Taylor, Assistant Executive Director, Essex County Parental School, 220 Sussex Avenue, Newark 3, N. J.

Elyria, Ohio

Probation Officers (2 men, 1 woman), Lorain County Juvenile Court. Bachelor's degree; graduate work in social work, sociology, or social work experience with children, and a knowledge of Spanish helpful. $3,900 to $4,800, plus car allowance. Write John S. Dierna, Chief Probation Officer, Lorain County Juvenile Court, 256 Third Street, Elyria, Ohio.

Toledo, Ohio

Probation Counselors (4 men, 2 women), juvenile division. Master's degree; graduate training in social work, sociology, or psychology. One year full-time paid experience in a juvenile court, child care agency or family service agency desirable but not required. $4,000 to $6,500.

Marriage Counselor, to give marriage counseling to couples comtemplating divorce action, also to those who have actually filed such action; investigate divorce cases involving minors under 14. Master's degree in social work, psychology, or marriage counseling and one year in a family casework agency. $4,500 to $6,500.

Write L. Wallace Hoffman, Director, Family Court Center, 429 Michigan Street, Toledo 2, Ohio.

York, Pennsylvania

Probation Officers, juvenile court. Bachelor's degree; 1 year graduate training in school of social work. $3,600 to start. Write W. Burg Anstine, Chairman, Personnel Committee, 117 East Market Street, York, Pa.

Seattle, Washington

Probation Officers, King County Juvenile Court. At least 1 year graduate social work training and 1 year experience, or 2 years graduate social work training without previous experience, or 5 years juvenile court experience without graduate social work training. $4,080 to $5,160. Write Carl B. Erickson, Director of Probation, King County Juvenile Court, 1211 East Alder Street, Seattle 22, Wash.

Milwaukee, Wisconsin

Probation Officers (2 men), with the Municipal and District Courts Probation Department of Milwaukee County (Examination No. 1675). Two years graduate work in school of social work; possession of a master's degree desirable. Not less than one year paid experience as social service worker with an accredited casework agency preferred. $4,520.16 to $5,355.12. Write William Oldigs, Chief Probation Officer, Municipal and District Courts Probation Department, 517 Public Safety Bldg., Milwaukee 3, Wisconsin.

[The NPPA JOURNAL prints employment opportunity announcements which come into our office two months before the first of the month in which the issue is published—November 1 for the January issue, February 1 for the April issue, May 1 for the July issue, and August 1 for the October issue. However, employment openings sometimes develop suddenly and must be filled quickly, and the JOURNAL schedule cannot take care of such immediate needs. For example, announcement of an opening that may develop at the beginning of December would not appear, in all likelihood, until April. Therefore the NPPA Professional Council is developing a mimeograph service designed to provide more rapid handling of "interim" announcement of vacancies. Agency executives who find that the JOURNAL's "Employment Opportunities" service does not meet their needs rapidly enough are urged to communicate with Hugh Reed, Secretary, NPPA Professional Council, 1601 Halsted Street, Chicago Heights, Illinois. The Association's regional offices will continue to provide personnel referral service in their areas, as they have in the past.—Ed.]

Book Reviews

On Cultural Factors in Casework, *Sol Wiener Ginsburg, M.D.* Pp. 20. New York, National Travelers Aid Association, 1954, $.35.

In a modified report of an institute session of the National Travelers Aid Association, Dr. Sol W. Ginsburg presents the abstract formulations of Tylor, Herskovitz, and Mead on anthropological conceptualizations of culture. Using Travelers Aid cases, Dr. Ginsburg demonstrates how an awareness of the concept of culture provides a new dimension for the thinking of caseworkers.

The cases in his *On Cultural Factors in Casework* are of varied ethnic backgrounds—American Indian families, a child of a Christian and Jewish intermarriage, a Mexican adolescent girl, an American Protestant, an American Catholic, a Filipino student, an American Negro, "Gypsy women," and a Chinese family—and they involve problems ranging from family budgeting to runaway children and from the impact of minority status and racial prejudice to intrapersonal conflicts. The author shows how they can be examined and analyzed more fruitfully in the context of the concept of cultural character structure. According to Margaret Mead this concept denotes "regularities in the intrapsychic organization of the individual members of a given society that are to be attributed to the individuals having been reared within that culture."

Of special interest to probation, parole, and other social caseworkers is the insight Dr. Ginsburg gives on the influence of the workers' own cultural backgrounds, their attitudes toward clients, and their workaday judgments and decisions. He emphasizes the difficulties which would ensue for the practitioner if he adopted a too exclusively cultural deterministic orientation in his work, which could lead to ego involvement and a limiting self-consciousness concerning cultural differences between himself and the client.

Social caseworkers can use this essay as a point of departure for broadening their perspectives, which are, at times, too exclusively psychiatric, and for sharpening their awareness of the role of cultural factors as influences on personality and behavior patterns.

The problem of analyzing the role of cultural factors in casework is worthy of a more extended treatment, and it is to be hoped that Dr. Ginsburg, or someone else equally qualified, will attempt a broader and more thorough study. One area that would be of interest to probation and parole personnel would be an analysis of the cultural values and norms of controlling law-enforcement and correction philosophies and techniques. Another would be an examination of the impact of cultural values and norms imparted by schools of social work and transmitted to the correctional field by trained caseworkers. At present the recruitment of caseworkers for positions in the correctional services highlights the problems of integrating and reconciling casework values with the cultural values underlying the social structure of law-enforcement treatment agencies.

This pamphlet performs a valuable service in that it points the way toward

filling a gap in casework literature. Further studies in this area will undoubtedly result in the mutual enrichment of practitioners and those directly concerned with academic disciplines.

Irving W. Halpern
Chief Probation Officer, Court of General Sessions, New York City

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Low Intelligence and Delinquency, *Mary Woodward.* Pp. 24. London, Institute for the Study and Treatment of Delinquency, 1955, 1/6d.

The results of a review of the literature (mostly American and British) on the relationship between intelligence (as measured by the usual instruments) and delinquency are reported in a pamphlet, *Low Intelligence and Delinquency*, by Mary Woodward. In all, sixty-six studies were combed for data and comment on this issue, covering the period from Goddard's early contribution in 1914 to contemporary reports. Thirty of these studies were published before 1940; only sixteen of the studies have been published since 1950.

Notable among the references omitted is the work of W. Allison Davis and the University of Chicago group, which reports unusual skewness, in the delinquent samples, toward lower-class status family origin because of the middle-class bias that prevails in the construction of many measures of intelligence. Also missing are any references to non-English sources.

Miss Woodward concludes that low intelligence cannot be regarded as an important factor in delinquency or, at most, that it indirectly plays a minor aggravating role.

This review of research is found wanting in a number of particulars. First, no adequate criterion or definition of intelligence is proposed by which to evaluate or sort out the original studies. Apparently, in view of this, intelligence represents only what the tests measured. But different intelligence tests having the usual variation in standard deviations measure different aspects of mental ability and are known to yield different IQ's. Therefore, IQ's from different tests derived from different normative samples are not interchangeable. Yet the author seldom reports the name of the instrument used in the original study. Because these older studies did not have the advantages of techniques of machine calculation, which makes it possible to test large samples and to achieve meticulous statistical refinement in item selection and normative treatment, it is doubtful that they carry more than historical interest.

Second, most persons working in the field of delinquency causation and treatment will not be booby-trapped in the sterile argument concerning the primacy of any single causal factor. The meaning of a low IQ (or any other single factor for that matter) varies with each individual according to the unique pressures placed upon him by family, school, and self. In a multivariable approach to delinquency causation, one would include a consideration of the intelligence along with all other factors that may shed light on the interaction in behavior between the individual and his environment. To close one's eyes to the complexion and degree of a child's abilities is just as nonsensical as diagnosing his behavioral difficulties on the basis of a single IQ.

This reviewer doubts that caseworkers are running afoul of either of these two extreme errors in helping

delinquents and their families today and wonders what new or different *practices* the author would now suggest after completing this review of research. This item, at best, should be considered to have only historic interest for workers in the field.

WILLIAM C. KVARACEUS
Professor of Education
Boston University

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Casework Papers, 1954; Casework Papers, 1955; National Conference of Social Work. Pp. 150. New York, Family Service Association of America, $2.00.

Six articles from *Casework Papers, 1954* and *1955*, presented at the National Conference of Social Work, have been selected for review. They include theories in child care, practical suggestions for more effective use of residential treatment centers, the advocacy of group therapy, and an explanation of the gap between preachment and practice.

In "Some Concepts in the Treatment of Delinquency," Dr. Donald A. Bloch, Chief, Children's Psychiatric Service, National Institute of Mental Health, Bethesda, Md., suggests that a diagnosis is not a fact but merely an outline of "that biological, psychological, and sociological continuum called a human being." Delinquency, he believes, is an interaction between people, rather than a phenomenon occurring in a person; the second person in the "two-group" integration can be the delinquent's parent, teacher, judge, or even a fantasy figure. The offender's action, according to this theory, usually reflects the second person's attitude, and the delinquent's tendency is to avoid anxiety aroused by a painful intimacy with that person. A rational treatment program includes prevention or reducing of the anxiety levels, and fostering the use of other, more pleasant, integrations. Analysis of the therapist's own personality as a handicap to treatment, and some suggestions for large-scale prevention of delinquency, conclude the article.

Another suggestion for a revision of theory is advanced in "Safeguarding the Emotional Health of Our Children." Dr. Anna Freud, Vice President of the International Psychoanalytical Association, attacks the careless use, by both clinicians and child welfare workers, of the catch-all concept of rejection. "It is unprecise and vague and from misuse it has become almost meaningless." Nothing short of definition and classification of the degrees and types of withdrawal of mother love from the infant can restore the idea of rejection to its initial usefulness, says Dr. Freud. The article is a stimulating inquiry into the importance of discriminating between "fantasy and reality factors and between attitudes of wilful neglect and unescapable fateful situations."

In "What Is Normal for Children," Fritz Redl, Chief, Child Research, National Institute of Mental Health, challenges our use of the term "normal." Three concepts of normality currently in use refer to definitely different things: (1) the Irritation-Ratio concept when statements such as "This isn't normal, anymore" are made after some disgust is aroused by irritating behavior, (2) the Statistical-Average concept that considers normal what most people in a given statistical block of study would do, and (3) the Clinical concept that implies that the terms "normal" or "abnormal" are used to connote "healthy" or "disturbed." The first concept, according to the author, is out of vogue in pro-

fessional fields; emphasis is placed on the third concept, lightly "mixed" with the Statistical-Average idea. The remainder of the article attempts to give some "flimsy hints for the practitioner" tackling the problem of "How do we know, when we look at a given piece of behavior, whether it should be considered more or less normal or more or less seriously disturbed?" These are called "harmlessness" criteria for determining normality and range from the appropriateness of the behavior in view of the age to the degree to which you can "budge" a given piece of behavior under favorable circumstances.

Jerome M. Goldsmith, Director, Hawthorne Cedar-Knolls School of the Jewish Board of Guardians, N. Y., in "The Communication of Clinical Information in a Residential Treatment Setting," describes the application of the "team" concept in therapy as the idea that the child in the institution belongs to no one person but derives his health and strength from the combined efforts of all. The psychiatrist as well as the houseparent must recognize his role in rehabilitation and accept its limitations. Competing for possession of the child by any one member of the team can be as dangerous as the inability of the clinician to identify himself with the structure of the institution and accept the reasonable demands for conformity which the other personnel make on the child. The basic content of communication, however, is the effort to understand the nature of the child. The author believes the obvious place to begin for successful communication is in the process of staff selection and proper supervision for this staff.

The main therapeutic difficulty, according to Dr. Harris Peck, Lecturer in Psychiatry at the New York School of Social Work, in "New Approaches to the Treatment of the Delinquent Adolescent," is that the therapeutic and conceptual tools used with delinquents have been derived from psychoanalytic work with adult middle-class neurotics while most of the delinquent adolescents are in lower socioeconomic groups. A strong proponent of group therapy over individual treatment, Dr. Peck conducted his first group experiment with young persons failing to respond after six months of individual treatment. "It became logical," he says, "for us to begin to use the services of the therapy group at earlier points in the treatment experience and, finally, to integrate it into our intake contacts." These group therapies were divided into three parts: remedial reading, tutorial group therapy (also remedial reading, but with an investigation of causes of defective reading), and interview group therapy. In conclusion, Dr. Peck states that the material presented suggests that "delinquency prevention, like treatment for the delinquent, requires the giving of concrete services. An awareness of both the strengths and the pathology of the individual recipient of these services is necessary if therapy is to be effective."

"Segregation plays a major role in the production of delinquency and criminal behavior, as well as in its perpetuation, despite the best efforts of those concerned with rehabilitative processes." This opening sentence sums up "The Exile of Those in Conflict with the Law," an article by Bertram M. Beck, Director, Special Juvenile Delinquency Project, U. S. Children's Bureau. The fault for this segregation lies in many places—generally, in the disparity between cultural means and ends, and society, and specifically, the courts, police officers, and social workers. The issue, Mr. Beck says, is not

essentially punishment versus treatment for offenders, but love versus hate in our society.

In this reviewer's opinion, each of these articles deserves careful study because of its challenge and relevance for the correctional as well as the general casework field.

SOPHIA ROBISON
Information Specialist
NPPA

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Practical Results and Financial Aspects of Adult Probation in Selected Countries, *United Nations.* Pp. 112. New York, Columbia University Press, 1954, $.75.

Anyone interested in the value, costs, and practical results of probation on an international basis will find it useful to refer to the United Nations report on *Practical Results and Financial Aspects of Adult Probation in Selected Countries.* This information is given in statistical tables based largely on evidence taken from figures for the United Kingdom, Denmark, Norway, Sweden, The Netherlands, and the United States.

England and Wales: Nearly one-fifth of all probation orders are for male offenders and almost one-half of the female offenders are adults. Although the number of men offenders is considerably larger, probation is more frequently used for women offenders. It is mainly employed in the lighter offenses, and in general the longer the probation period the less likelihood there is of the offender's repeating. The best result is with adult probationers over seventeen. In all age groups, and especially among men and women over forty, the great majority of first offenders become law-abiding citizens again.

Scotland and Northern Ireland: Here the use of probation for adults is much more limited, the greater use being especially for adolescent girls. The best results for probation were obtained in rural areas rather than with city groups. There is a growing increase in the use of probation for juveniles, particularly since the war, in these two countries.

Scandinavia: Probation figures for the Scandinavian countries are given in detail, including the use of suspended sentence instead of probation in Norway and Denmark, thus establishing individual responsibility on the offender and leaving further proceedings to the discretion of the public prosecutor. Offenders under suspended sentences are not usually required to submit to personal supervision or probation. Those under supervision for a period of one to two years seem to have made the greatest showing of successful readjustment. The risk of repeating in such cases is highest immediately or a short time after conviction, before probation or supervision has had a fair chance to exercise its influence. Married probationers have made a better record than the unmarried ones. Leaders in social welfare are now suggesting that probation, as a correctional treatment, should be severed from its present connection with suspension of punishment. Sweden has endeavored to emancipate herself from the continental pattern of suspended sentences, and is now contemplating new forms of protective supervision.

The Netherlands: Probation is undertaken jointly as a partnership between the state and the community social workers. The Dutch courts make extensive use of social inquiries and presentence reports. Experience of The Netherlands has led to some new ideas

for an extension of personal supervision.

The book likewise analyzes probation practice in our own country—the federal jurisdiction, and Massachusetts, New York, Rhode Island, and California.

A review of the economic and financial advantages suggests that the real value of probation is not confined to the net saving in outlay of public money, which is considerable but difficult to determine precisely. It stresses the offender's better position as a probationer within the economic life of the community as compared with his being an inmate of an institution. This is summarized by a question in a report issued by the New York State Department of Correction: "Who can compute the value to society of offenders rehabilitated and families kept together?"

The last chapter is a comprehensive summary of conclusions and recommendations which greatly aids in the final appreciation of the work.

Walter H. Beckham
Judge, Juvenile and Domestic
Relations Court, Miami, Florida

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Lawless Youth, *E. A. Stephens, M.D.* Pp. 315. New York, Pageant Press, 1953, $3.50.

Lawless Youth was written by a correctional psychiatrist who handles words with the clarity and economy typical of the good newspaper reporter, and the result is both refreshing and stimulating. E. A. Stephens's book can be read with equal enjoyment by parents, teachers, and correctional workers and by those more conversant with the science of psychiatry.

One of its outstanding contributions is its clear and forceful statement that crime has no single, simple cause and, therefore, cannot be cured or prevented by single, simple methods. Although many case histories cited by the author indicate that the criminal behavior of each youth can be traced to early personality and character damage, Dr. Stephens clearly shows that even "good" homes can produce "bad" boys. Thus we cannot place the sole blame for delinquency and crime on the "bad" home anymore than we can place it on slums, alcohol, lack of recreational opportunity, or any of the other single "causes." The determining factor, in each case, was not the kind of home from which the child came, but how he felt about his home—whether unwanted, unloved, and unimportant, or secure, loved, and important in his own right. The "causes" of criminal behavior are as many and as varied as the personalities of the offenders.

In the treatment of the youthful offender, Dr. Stephens emphasizes the necessity of dealing with the individual problems of each youth, and deplores mass penal punishment as a totally unrealistic approach to treatment. His chapter on "Why Punishment Fails" should be required reading not only for parents and teachers, but for all those who are in any way responsible for our penal systems. Speaking as one who has worked in such institutions, he says: "In this day of supposed enlightenment, there still prevails the cry for revenge—'an eye for an eye, a tooth for a tooth'—the primitive talon law of antiquity. By a process of rationalization we can justify the demand for retribution by presenting it to ourselves as a deterrent to crime and a means of reformation."

The author considers our present penal methods neither a deterrent nor a means of reformation, for he points out that "the juvenile and adolescent

offender takes along with him to prison all the emotional conflicts—fears, doubts, hostility, frustration—that have existed for a long time within his personality. The numerous dissatisfactions and bafflements inherent in a prisoner's way of life demand a complete re-orientation of his attitude toward the environment. When neurotic conflicts are severe or neurotic character traits deeply embedded, adjustment to life in prison is rarely possible."

Instead of retribution and punishment, therefore, "the aim of imprisonment should be: To restore to the offender his dignity and self-respect. The goal should be: To show the offender new ways of gaining satisfactions that will make him want to give up the old methods of meeting frustrations and dissatisfactions."

Dr. Stephens feels that crime prevention must begin at home. In fact, he goes even farther: "The prevention of crime should begin at the pre-marital level in order to be certain that only well-mated and happy people enter marriage and have children." He cautions, however, that the standards by which we customarily judge a "good" home are not necessarily realistic: "In a home in which harmony and love prevail, the criminal character will not take form. The home can be poor, unsanitary, untidy, a bedlam of confusion and noise, and still be a happy place, so long as it imparts to the child feelings of sureness of itself." Overemphasis on being "good" can be as detrimental to the child's healthy emotional growth as a complete lack of training and direction.

Crime prevention through adequate mental hygiene in the home is difficult to achieve, for "no one can love someone merely by being told he should. Emotional shallowness cannot be cured by intellectual understanding. Still, we do know that the criminal character is formed in a setting that is unusually noxious, and that any measures which will ameliorate the day-by-day conflicts will eventually prove to be fruitful. It is a long-term program, slow, perhaps tedious, but a goal worth striving for."

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How to Recognize and Handle Abnormal People, *Robert A. Matthews, M.D., and Loyd W. Rowland, Ph.D.* Pp. 48. New York, National Association for Mental Health, 1955, $.65.

The significance of *How to Recognize and Handle Abnormal People*, a slim "manual for the police officer," may lie not so much in what it achieves as in what it attempts. The chapter headings alone give some idea of the magnitude of its ambition and impossibility of fulfillment within the limitations of a 48-page pamphlet: "How you can tell when a person is mentally ill," "How to handle a disturbed or violent person," "How to handle a depressed patient," "How to handle cases of illness or amnesia," "Psychopathic personalities," "The problem of alcoholism," "The problem of drug addiction," "The sex offender." The final section is devoted to "The police officer's personal problems."

The authors are to be commended for attempting to pass this camel of information through the eye of a needle, and for spotlighting one area of knowledge essential for a professionalized police career service.

Without a doubt, this is vital material for the police officer and for all in law enforcement, for the authors not only are qualified in their special

fields—Dr. Matthews is head of the Department of Psychiatry and Neurology at the Louisiana State University School of Medicine and Mr. Rowland is director of the Louisiana Association for Mental Health—but also have had experience in teaching police training classes. But as part of the training experience of police recruits the material should be above the eighth grade reading level as presented in the pamphlet.

On the whole, its publication may serve to outline the potential contribution of mental hygiene in the selection and orientation of law enforcement personnel.

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Narcotics and Narcotic Addiction, *David W. Maurer and Victor H. Vogel, M.D.* Pp. 303. Springfield, Ill., Charles C Thomas, 1954, $7.50.

David W. Maurer is a professor of English at the University of Louisville; Dr. Victor H. Vogel is with the United States Public Health Service. In collaborating on *Narcotics and Narcotic Addiction* they have produced a timely contribution to the literature on narcotics, one whose literary merit will enhance its appeal to all informed adults as well as physicians and the special audience to which it is addressed—law enforcement officers, narcotics and customs agents, criminologists, social workers, and others directly concerned with the network of narcotic control.

The chapters on "Opiates and Their Synthetic Equivalents," "Non-Opiate Sedatives Considered Addicting," "Stimulant Drugs," "Identification of Drugs and Proof of Addiction," and "Legal Controls for Drugs of Addiction" are especially valuable. Although the authors admit that addiction is closely and definitely associated with crime ("The Nature of Drug Addiction," "Narcotic Addiction and Crime," and "Drug Addiction and Youth"), the informed law enforcement officer might consider them too apologistic for the narcotic addict. But they have generally indicated divergent opinions in controversial areas.

Several widely accepted definitions of drug addiction are presented. The authors' view, however, is that it "is not solely a perverse criminal action, but that it usually represents a symptom of underlying personality or emotional disorder which needs treatment, particularly of psychiatric nature, if rehabilitation is to be accomplished."

Four specific measures for prevention of drug addiction are suggested:

1. "An education program designed to reach all potential addicts, but concentrated on youth in the schools."

This point is highly controversial. Some of us would prefer to limit direct narcotic education to professional, parent-teacher, and other adult groups, because long experience shows that many cases of addiction *originated* in educational preventive programs. "A little learning is a dangerous thing," especially when it prompts the student to experiment in order to test the little he has learned about narcotics.

At least one community which for several years has had direct narcotic education in its public schools is now alarmed because of the marked increase in drug addiction among its youth. Among non-underworld people the highest incidence of drug addiction is found in the medical profession. What segment of the population has

had greater narcotic education than the physician?

2. "Vigorous law enforcement, with state and local enforcement agencies concentrating on smaller individual violations of the law, thereby freeing more of the limited resources of the Federal Bureau of Narcotics for investigation and prosecution of large-scale smuggling and wholesale operations."

3. "Attack on the international production of narcotics through the United Nations." This will be realized when the International Opium Protocol of 1953 comes into force; at present only 14 countries of a needed 25 have ratified it.

4. "A gradual and long-range attack on social and economic conditions which break down the individual personality and bring about the substitution of drugs and alcohol for the healthy functioning of the individual within his culture."

The authors urge that institutional treatment of addiction be compulsory and long enough to be effective. Nursing and medical staffs must be experienced in treating addicts, and recreational, occupational, and rehabilitative facilities must be provided. "The entire treatment should be in a *closed* institution . . . in order to prevent the introduction of contraband narcotics. . . . Isolation from friends, relatives, home, and business contacts is necessary if the patient is to make the sharp break with his previous life situation for the long treatment period necessary."

Government-operated clinics where registered addicts could obtain a regular supply of drugs free or at low cost have been proposed as a means of wiping out illicit traffic in drugs. To this suggestion the authors reply that addicts constantly try to increase their dose and even with an assured minimum supply would resort to contraband sellers for more drugs. Addicts spread addiction among friends and associates. These new addicts presumably would not be eligible for registration at a clinic and would therefore patronize the illicit peddler. Since a black market in drugs always exists, addicts would likely obtain by one means or another more drugs than they require, and would sell the surplus at high prices to non-registered addicts. To eliminate diversions from the clinic for illegal sale, drugs must be administered hypodermically in the clinic by trained attendants. Addicts require narcotics every four or five hours, so the clinic would need to be open twenty-four hours a day and would be a hangout for addicts, who almost certainly would be unable to take steady employment and live the normal life which advocates of clinics envision.

Some addiction-prone persons develop addiction through the effects of narcotics administered during medical treatment. Unless the clinic would constantly reopen its doors to new registrants—an unrealistic supposition—these new addicts would be forced to patronize illicit peddlers.

Because contraband traffic in narcotics flourishes along with the operation of clinics, the chief objective of the clinics would never be achieved. Most recidivist addicts are enthusiastic about proposals for these clinics, as they provide an additional source of drugs.

On the relation of narcotic addiction to crime, the authors say: "Men who have spent many years in contact with drug addiction do not necessarily agree on the specific relationship between crime and narcotics, although all of them would readily concur in the be-

lief that such a relationship exists, and that it is very important in the over-all picture of law enforcement and crime prevention. Furthermore, no one who has had experience with addicts will deny that profound personality changes occur *after* addiction when the addict is pressed for drugs; a person who was originally of the highest moral character will lie, steal, or commit forgery to secure drugs; how far these criminal tendencies extend beyond the necessity for supporting his habit is, of course, open to question. . . . Many addicts seem to be quite reliable in all matters where their supply of drugs is not concerned; many others appear to have lost all moral values and become unreliable in all areas of behavior. . . . Criminal activity is about the only avenue open to people to whom drugs have become the most important thing in life."

The chapter on the argot of addicts is interesting. The sidelights on the nature of addiction and the character of the addict show indirectly the difficulty that police and physicians have in dealing with him.

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A Dictionary of Pastoral Psychology, *Vergilius Ferm.* Pp. 336. New York, Philosophical Library, 1955, $6.00.

Vergilius Ferm, with the help of many recognized authorities, and after a long period of study and experience in both the ministry and teaching, has brought together an excellent collection of disciplined material for the use of pastors in their day-to-day contacts. This book covers a vast number of subjects from "ability" to "zelophobia." Some are briefly defined; others are described and discussed with significant detail. *A Dictionary of Pastoral Psychology* is comprehensive, practical, well-organized, and easy to use.

Although it is helpful to anyone who deals with people and their problems, it is written primarily for the parish minister. Subjects are included that are most relevant to the minister's work and thought, discussing from a psychological point of view such matters as family relationships, disharmony in marriage, the importance of symbols in worship, the nature and function of memory, the effect of alcohol upon the personality, the handling of grief, the significance of the funeral, and the importance of timing in pastoral visitation.

Further, there is insight into the minister as a person—his emotional needs, his reading habits, his handling of money, his preparation of sermons, his relationship with people.

There is an article dealing with the question, "Is a child fundamentally moral?", one on the religious beliefs of children, and another that gives helpful and authoritative advice on child training. "Children, like grown-ups, do not learn by mere conscious repetition. They learn by those subtle influences which come by way of the behavior of others, by actions which speak more eloquently than words." This will strike a responsive note in the average minister, for he is deeply concerned about the cumulative influences that make a subtle, but unmistakable, impact upon the sensitive personality of a child.

Another article contributes to our understanding of the mysterious and bewildering period called adolescence, outlining the basic psychological characteristics of young people at yearly intervals from ages ten through sixteen,

and presenting conclusions by the Gesell adolescent studies which are helpful in parental guidance.

Contribution is also made to the minister's understanding of the process of maturation and the emotional changes which come with old age. It defines and describes criminal types, the causative factors in juvenile delinquency, the nature of deceit, and the various emotional illnesses. It differentiates between character and personality. Vergilius Ferm handles carefully such profound and subjective matters as the nature of belief in God and its relationship to the personality, the nature and origin of the religious response, the meaning of morality, the structure of conscience, the essence of motivation, the psychological description of creative thinking, and the characteristics of saintliness.

Presented also are brief biographies and the basic thinking of such leaders as William McDougall, Richard Cabot, Russell Dicks, John Dewey, Anton Boisen, Dominique, Freud, James, and Jung. The basic tenets of the twelve major schools of psychology are outlined.

The minister who is interested in developing more effective teachers for his church school program can secure real help by turning to the section on the learning process. The pastor who desires greater understanding of confession as a release from inner conflict will learn much from the section on confession. The article on prayer gives considerable insight into the nature, purpose, and method of prayer. The article on the counseling method is excellent in all respects, covering the subject well and including a series of fine case studies.

Ferm presents clear definitions of psychiatric terms like displacement, transference, libido, ambivalence, anxiety states. He also gives descriptions of anatomical entities such as the brain, the thalamus, and the ductless glands which are related to behavior. He describes well the various mechanisms of defense used by the personality in its effort to handle conflict.

The terms defined and the subjects elaborated upon in this book have been selected from the field of psychology as they relate to the work and growth of the minister.

To avoid duplication, the author makes extensive use of cross-referencing. While this may have been overdone, it nevertheless encourages further study by the reader. *A Dictionary of Pastoral Psychology* will be of great help to the busy pastor, but he must be wise enough to see that no single book can suffice to bring before him more than a small portion of all there is to know about the human personality.

REV. PAUL H. ENGSTROM
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The Mercy of the Court, *Monica Porter*. Pp. 252. New York, W. W. Norton, 1955, $3.50.

Monica Porter comes from a family well represented in the legal profession and for that reason she writes, obviously much at home in *The Mercy of the Court*, of the courtroom and its situations that reflect our society in all its peculiarities.

According to the author, it is inexorable family conditions that have

brought a seventeen-year-old boy to court for armed robbery and assault. The central figure of this story is a circuit court judge; it is within his province to sentence the boy severely or to place him on probation. The decision is difficult because the boy is a second offender; it is further complicated by the appearance of a socially prominent girl whose craving for excitement and dubious adventurous undertakings is partially responsible for the boy's blatant disregard for the law. The story is focused on this decision and how the judge arrived at it, with political implications abounding in an obvious attempt to retain reader interest.

Whether or not one can find comfort in Miss Porter's simple answer to juvenile delinquency—parental irresponsibility—her novel is worthy of favorable review. Granted, the characters she has drawn are obvious and stereotyped and none of the material is new or cleverly presented, but the theme is one that should be of searching interest to all concerned not only with "teen-age terror" but also with the social machinery that may be wittingly or unwittingly slowing down a real understanding of the problems of youth.

The insouciant attitude of the lawyers, newspapermen, and fellow judges toward a youthful offender, as presented by Miss Porter, is dramatically unconvincing at times, but its presence is sufficient to make the reader demand answers. Unfortunately, *The Mercy of the Court* does not answer these questions, but it does raise them.

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